

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE Cor. S/S * ZONING COMMISSIONER
Edgewood Ave., W/S Harford Road *
8910 Harford Road * OF BALTIMORE COUNTY
9th Election District *
6th Councilmanic District *
James White, Petitioner * Case No. 97-396-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Zoning Variance for the property located at 8910 Harford Road in Parkville. The Petitions are filed by James White, property owner. The Petition for Special Hearing seeks a decision from the Zoning Commissioner that a Hypnotist office is considered a general office, rather than a medical office, and is permitted by right in an R.O. zone. The Petition for Variance seeks, in part, alternate relief if the Petition or Special Hearing is denied. That is, if it is determined that a Hypnotist office is a medical office, then the Petitioner seeks a variance from Section 204.3.A.2 of the Baltimore County Zoning Commissioner (BCZR) to permit use of 100% of the building as a medical office in lieu of the permitted 25%, and also variance relief from Section 409.6.A.2 of the BCZR to permit 8 parking spaces in lieu of the required 10 spaces. Other variances are also requested, irrespective of the decision regarding the Petition for Special Hearing. That portion of the variance request is from Sections 409.8.A.4 and 204.3.C.1 of the BCZR to permit a 0 ft. setback to a parking area from a road right of way in lieu of the required 10 ft. and to permit a free-standing sign of 96 sq. ft. (48 sq. ft. per face) in lieu of the permitted 30 sq. ft. All of the requested relief & subject property are more particularly shown on the site plan, received into evidence as Petitioner's Exhibit No. 1.

ORDER RECORDED
Date 6/12/97
By [Signature]

Appearing on behalf of the Petitions was James White, property owner, and Paul Lee, the engineer who prepared the site plan. A number of individuals appeared in opposition to the request. They were Debra Pacheco, Paul F. and Robert B. Insley, Joseph Portera, John G. Disney and Mary E. Ginn.

Testimony and evidence presented was that the subject site is a corner lot, located adjacent to the intersection of Harford Road and Edgewood Avenue in the Parkville community of Baltimore County. The property is located just south, towards Baltimore City, of the interchange of Harford Road and the Baltimore Beltway (I-695). The property is roughly rectangular in shape, approximately 6,000 sq. ft. in area, zoned R.O. The property is improved with an existing two story structure which contains a basement. The structure has an attached garage.

The property owner, James White, is a Hypnotist by occupation and his office is located in the building. He acquired the property in February of 1996. Since his acquisition of the property, Mr. White has made several improvements/modifications to same. Among those improvements is the covering of nearly the entire yard area by macadam, thereby significantly increasing the parking area. Also, a sign advertising Mr. White's services has been erected and a handicap lift has been installed. Mr. White testified that he operates the Baltimore Smoking Clinic, a business geared toward helping people eliminate their addiction to tobacco through hypnosis. Previously, this business was operated from another location approximately five blocks from the subject site. Mr. White indicated that he employs one full time person and approximately 2 part time employees.

Mr. White also testified that he uses but a part of the structure as his office. The clinic is operated nearly entirely on the first floor and the second floor is vacant. He indicated that the area may ultimately be converted into another office. He also indicated that the basement of the

ORDER RECEIVED FOR FILING

Date

By

building is used for storage. The hours of operation are quite limited, in that the clinic is open only two nights per week.

Mr. Lee also testified and explained the reason behind the filing of the Petition for Special Hearing. It is to be noted that Section 204 of the BCZR regulates the R.O. zone. Section 204.3.A.2 of the BCZR states that a Class A office building is permitted by right in an R.O. zone for so long as no more than 25% of the total adjusted floor area of the building is occupied by a medical office. Based on this requirement, the question presented is whether the subject operation is a medical office. If so, only 25% of the floor area may be used for the hypnosis clinic. If not, the operation may exist by right.

Testimony and evidence offered by Mr. White on this issue was that he does not have a college degree or other post graduate education, and is not licensed by the State of Maryland. Moreover, his occupation and credentials are not regulated by the State.

The term medical office is defined in Section 101 of the BCZR as "A place for the treatment of outpatients by one or more medical practitioners." The term "medical practitioner" is defined in that section as, "A physician, dentist, optometrist, chiropractor, podiatrist, psychologist, physical therapist, nurse or other similar health professional licensed by the State." (emphasis added) In my judgment, Mr. White is not a medical practitioner. Clearly, he is not a member of those professions specifically designated under the medical practitioner definition and his testimony was dispositive that he is not licensed by the State. In that he is not a medical practitioner, his office is, therefore, not a medical office.

In view of this conclusion, it is apparent that Mr. White's operation must be considered a general office and, therefore, permitted by right in the R.O. zone. Thus, for this reason, the Petition for Special Hearing

ORDER RECEIVED FOR FILING

Date

By

should be granted and a determination entered that this hypnotist office is permitted by right at the subject site as a general office.

This finding eliminates the need for consideration of a portion of the Petition for Variance. Specifically, that portion to permit 100% of the office space to be used if the operation is considered a medical office and variance relief from the number of parking spaces required. These requests are made moot by the determination that the business is a general office, not a medical office.

However, the other portion of the variance request remains at issue. The first portion of that request is that variance relief be granted to permit a 0 ft. setback for a parking area from the curb right of way, in lieu of the required 10 ft. It is to be specifically noted that this request relates to the rear portion of the property and that area of the parking lot behind the building adjacent to Edgewood Avenue. As shown on the site plan, the Petitioner has installed five parking spaces along the rear lot line. That space designated as space No. 1 immediately abuts the right of way line for Edgewood Avenue and does not maintain the 10 ft. setback as required.

Mr. Lee explained that parking is difficult on this site and that variance relief was requested in order to permit the maximum number of on site spaces. It was also indicated that strict compliance with the zoning regulations would result in the Petitioner sustaining a practical difficulty in that there would be insufficient area to accommodate on site parking. It is also to be noted that the Development Plans Review Division of the Office of Permits and Development Management supports the request.

Based upon the testimony and evidence presented, I will grant this variance. In my judgment, the need for on site parking outweighs the need

ORDER RECEIVED FOR FILING
Date 6/12/97
By [Signature]

for strict adherence to the requirement. I find that the Petitioner has complied with the requirements set forth in Section 307 of the BCZR.

Variance relief is also sought for a proposed sign. As shown on the site plan, a sign 12 ft. in total height and 6 ft. in width is proposed. The face of the sign will actually be 8 ft. x 6 ft.; 48 ft. per face, or 96 ft. for both sides. In this regard, testimony was offered that Harford Road is a major arterial road and a sign of the size proposed was the minimum necessary to properly identify the business on site.

In considering this issue, I am persuaded to grant a variance from the sign regulations, however, not to the extent which has been requested. In my judgment, a sign face 4 ft. high x 6 ft. in width would be appropriate. Such a sign would be 24 ft. per face or 48 ft. total. This is greater than the regulations require, but less than requested.

I will grant the variance for a sign that size in order to allow proper advertising of the activity on site. The sign may reach a maximum height of 12 ft. In this regard, it is to be noted that the Petitioner has already placed a sign in the front of the site from the property at ground level. Apparently, the Petitioner placed that sign to identify the business while this Petition was under consideration. That sign is clearly not 48 ft. per face and sufficiently identifies the business on the property. I am unconvinced that a larger sign is needed at this time particularly since there is but a single business in the building.

Moreover, I shall condition the special hearing and variance relief which has been granted herein. The first condition imposed shall be a requirement that the Petitioner eliminate the ground mounted sign on the property. Testimony and evidence was offered that the sign interferes with sight distance for traffic exiting Edgewood Avenue onto Harford Road. My site inspection of the property convinced me that this was a valid concern

ORDER RECEIVED FOR FILING

Date

By

6/12/97
M. Horvath

and, thus, that sign shall be eliminated. The only sign which shall be allowed will be the pole mounted 24 sq. ft. per face sign described hereinabove. Moreover, that sign shall be erected at a location on the site approved by the Bureau of Traffic Engineering. That agency shall approve the location of the sign to assure that same is appropriate and does not interfere with traffic on either Harford Road or Edgewood Avenue.

The second condition which I shall impose relates to the use of the front of the property. In this regard, the photographs show that Mr. White has constructed macadam paving across the entire frontage of the property. Obviously, he has used this as a parking lot, jumping his vehicle across the curb on Harford Road to this area. Photos of the site show that the curb has deteriorated from this practice. This is, no doubt, done as a matter of convenience, in that Edgewood Avenue is a one way road and the Petitioner desires to obtain a means of direct vehicular access from Harford Road to his property. The only means of access to the site should be from Edgewood Avenue.

This activity by the Petitioner is manifestly unsafe. Testimony and evidence offered was that there is a children's dance studio nearby and clearly the Petitioner's attempt to establish a direct means of access from Harford Road could result in traffic accidents and inappropriate congestion in the roadway. Thus, as a condition to the granting of the zoning relief herein, the Petitioner shall be required to remove a minimum of 5 ft. of the macadam area in that portion of the yard between the right of way for Harford Road and the front yard. This macadam should be replaced with a barrier or some landscaping to prohibit the entry of vehicular traffic directly from Harford Road onto the site. I will leave the specifics of this buffer area to the Office of Planning.

ORDER RECORDED FOR FILING
Date 6/2/97
By Mr. Borch

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 11th day of June 1997 that, pursuant to the Petition for Special Hearing, a determination that a Hypnotist office is considered a general office and is permitted by right in an R.O. zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 204.3.A.2 of the BCZR to permit the use of 100% of the building as a medical office, in lieu of the maximum permitted 25%, and a variance to permit 8 parking spaces in lieu of 10 parking spaces required is DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that a variance from Sections 409.8.A.4 and 204.3.C.1 of the BCZR to permit a 0 ft. setback to a parking area from a road right of way in lieu of the required 10 ft., be and is hereby GRANTED; and.

IT IS FURTHER ORDERED that a variance for a sign face 4 ft. high x 6 ft. in width, (24 ft. per face or 48 ft. total), be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall be required to remove a minimum of 5 ft. of the macadam area in that portion of the yard between the building and Harford Road. This macadam should be removed at an area easily adjacent to the right of way and should be replaced with a barrier or some landscaping to prohibit the entry of vehicular traffic directly from Harford Road onto the site.

ORDER RECEIVED FOR FILING
Date 6/12/97
By M. H. [Signature]

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

4. The location of the sign shall be approved by the Bureau of Traffic Engineering, or their designee.

5. The Petitioner shall remove the existing sign within 30 days from the date of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING

Date

By

6/12/97

M. Gooch

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF		
JAMES WHITE -PETITIONER	*	COUNTY BOARD OF APPEALS
FOR A SPECIAL HEARING AND		
VARIANCES ON PROPERTY LOCATED	*	OF
ON THE SOUTH CORNER EDGEWOOD		
AVENUE, WEST SIDE HARFORD RD	*	BALTIMORE COUNTY
(8910 HARFORD ROAD)		
9TH ELECTION DISTRICT	*	CASE NO. 97-396-SPHA
6TH COUNCILMANIC DISTRICT		

* * * * *

O P I N I O N

This case comes to the County Board of Appeals of Baltimore County based on an appeal from a decision of the Zoning Commissioner in which a Petition for Special Hearing was granted; Petition for Variance dismissed in part as moot; and granted in part with restrictions by the Zoning Commissioner. It is specifically noted that this appeal before the Board is as to Restriction No. 2 only as imposed by the Zoning Commissioner.

A public hearing was conducted by the Board on Tuesday, December 30, 1997 at 10:00 a.m. The Appellant /Petitioner, James White, appeared pro se. Protestants also appeared in proper person, without counsel. The Chairman explained that in the absence of counsel the proceedings would be conducted in an informal fashion, carefully protecting, however, the individual rights of the various participants.

The Petitioner was under the impression that the appeal included issues of signage in addition to the access to his property from Harford Road. However, the Petitioner's letter in the Board's file noting the appeal of Case No. 97-396-SPHA specifically noted that the appeal was "the restriction of access from State Route 147, Harford Road."

The Petitioner testified that he had purchased the subject property in February 1996, moving there from another location several blocks north of Harford Road in proximity to the Baltimore

Beltway. Since that time he had improved the property, covering over the original open area with macadam and installing a handicapped lift on the rear side of the building. The building itself is a two-story, two garage individual property zoned R.O. in a heavily predominant B.L. zoning area. The Petitioner uses the first floor of the facility with the second story currently vacant. The basement area is utilized for storage.

Substantial testimony concerning the success of the Petitioner's practice was introduced into evidence (Petitioner's Exhibit No. 2) and a brochure explaining the nature of his "Stop Smoking Hypnotic Clinic" (Petitioner's Exhibit No. 3). At the suggestion of the Chairman, the Petitioner also requested that the entire file of the Board be admitted into evidence to which the Protestants did not state any objections (Petitioner's Exhibit No. 1), as well as the site plan from the Zoning Commissioner's file (Petitioner's Exhibit No. 4).

The basic problem area to which the Petitioner testified is the one-way traffic pattern of Edgewood Avenue. The property itself sits at the corner of Harford Road and Edgewood Avenue, with Edgewood being a one-way street progressing eastward into Harford Road. Harford Road traffic cannot turn into Edgewood, which leads into the Petitioner's rear lot. This causes vehicles to maneuver around Grendon Lane (one way westbound), making a left to get back into Edgewood (one way eastbound) to secure parking in the Petitioner's lot. Any other entry via public street requires additional travel through residential areas to get to the rear lot. Petitioner stated that the State Highway Administration had no objection to permitting entry into the property from Harford Road;

and that letter is incorporated in the Board's file.

The major thrust of the Protestants' case was one of safety and the general welfare of the community. Mr. Paul Insley, 9309 Fullerdale Avenue, expressed his concern as to both pedestrian and vehicular traffic safety. He indicated the Petitioner had placed macadam over the Harford Road curb, and was presently using Harford Road as an entry through a driveway to Petitioner's rear lot. He expressed concern over parking on the front of the property which prevented cars seeking to gain entry out of Edgewood into Harford Road which obscured Harford Road traffic, and further cited the heavy traffic flow from the Baltimore Beltway heading south to Putty Hill Road on Harford Road.

Ms. Debra Pacheco is the Petitioner's next-door neighbor, having a residence there for approximately 27 years and operating a dance studio in this facility. She recited the numerous activities in the area of both her facility and that of the Petitioner, and in particular the proximity of St. Ursula's School and the Perry Hall Middle School. On numerous occasions, she had observed cars parked in front of Petitioner's building, blocking the public pavement. Protestants' Exhibits 1, 2, 3, 4, 5, 6, 7 and 8 reflect vehicles parking on the front lot of the Petitioner facing Harford Road, and the inherent danger which the witness cited to both pedestrians and children using the pavement.

Mrs. Ruth Baisden, 707 Oak Avenue, also testified on behalf of the Protestants. While the Chairman did not permit her to speak as an officer of the association (Greater Parkville Community Council), the Chair did permit testimony on her part as a resident of the community and an individual member of the Association. She

opined as a member of the community association the basic goals of the association and the overall goals in relationship to visible preferences that they were seeking along the Harford Road corridor. Protestants' Exhibit No. 9 was admitted depicting the Petitioner's property, and reflected examples of what the community considered good examples of a positive approach to enhancing the beautification of the area, and Protestants' Exhibit No. 11 reflecting what was considered unfavorable.

Mary Ginn, 606 Horncrest Road, Towson, MD 21204, proffered essentially the testimony of Mr. Insley. Mr. Stephen Nance, 9005 Harford Road (directly across the road from the subject property), testified on behalf of the Petitioner. He has lived in the area for roughly two years and is a retired State Trooper /Accident Division. He acknowledged that Harford Road corridor traffic was excessive, and that numerous accidents had occurred in the immediate area. It was his belief, however, that the traffic situation would not be exacerbated if entrance to the Petitioner's property was made available via Harford Road. He stated that people do get confused and frequently miss the Petitioner's property because of the Edgewood Avenue traffic flow being one-way eastbound, thus not permitting easy access to the Petitioner's rear lot. He also stated the difficulties relative to such customers having to walk through residential streets frequently, without benefit of pavement.

Because of the narrow nature of Petitioner's appeal, this Board is required only to consider Condition #2 of the Zoning Commissioner's Order of June 11, 1997, which essentially was the requirement that the Petitioner remove a minimum of 5 feet of

macadam area as to that portion of the yard between the right-of-way for Harford Road and his front yard, being replaced with a barrier or some landscaping to prohibit entry of vehicle traffic directly from Harford Road into the side.

Public deliberation was held on Friday, January 9, 1998, at 9:30 a.m. The Zoning Commissioner having found that the variances were appropriate, the only issue for the Board is one of determining whether the decision of the Zoning Commissioner was arbitrary, capricious, discriminatory or illegal or, on a "de novo" basis whether the removal of the Zoning Commissioner's restriction would be in keeping with the spirit and intent of the zoning regulations, and could be implemented without affecting the public health, safety or general welfare of the community.

Based on the testimony and evidence produced at the hearing, the Board unanimously finds that Condition #2 should be imposed as a condition of the granting of the variances. The presence of schools in the immediate area, along with visible pedestrian safety, weighed heavily in the Board reaching its conclusions. The paving of the area in question with macadam over the front of Harford Road indeed poses a severe threat to pedestrians using the sidewalk and is visibly unsafe. While the Board is sympathetic with the plight of the Petitioner, it does not consider the limited circuitous route which his customers must employ to access the rear parking area to be so onerous or that much of a hardship as to compromise the safety of individuals using the sidewalk. Additionally, the Board was convinced that the parking of vehicles in the front of Petitioner's does interfere with visibility as to the Harford Road traffic, and, additionally, was a safety issue.

For the reasons as so stated, this Board will affirm the Condition #2 restriction imposed by the Zoning Commissioner in his order dated June 11, 1997 and shall so order.

O R D E R

IT IS THEREFORE this 11th day of February, 1998 by the County Board of Appeals of Baltimore County

ORDERED that Restriction #2 of the Zoning Commissioner's Order dated June 11, 1997, which is the sole issue on appeal to this Board in Case No. 97-396-SPHA, shall be affirmed and ORDERED by this Board as a condition of the granting of the relief sought by Petitioner in Case No. 97-396-SPHA; said restriction to read as follows:


2. The Petitioner shall be required to remove a minimum of 5 feet of the macadam area in that portion of the yard between the building and Harford Road. This macadam should be removed at an area easily adjacent to the right of way and should be replaced with a barrier or some landscaping to prohibit the entry of vehicular traffic directly from Harford Road onto the site.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Charles L. Marks, Acting Chairman


Donna M. Felling


Margaret Worrall



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

February 11, 1998

Mr. James White
3219 Texas Avenue
Baltimore, MD 21234

RE: Case No. 97-396-SPHA
James White -Petitioner

Dear Mr. White:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

encl.

cc: Paul Lee Engineering, Inc.
Ms. Debra Pacheco
Messrs. Paul F. Insley and Robert B. Insley
Mr. Joseph Portera
Mr. John Disney
Ms. Mary E. Ginn
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director/PDM
Virginia W. Barnhart, County Attorney



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 10, 1997

Mr. James White
3219 Texas Avenue
Baltimore, Maryland 21234

Mr. Paul Lee
Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Property: 8910 Harford Road
Case No. 97-396-SPHA

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

C: Ms. Debra Pacheco, 8908 Harford Road, Baltimore, Md. 21234
Messrs. Paul F. Insley and Robert B. Insley, 9309 Fullerdale Avenue
Mr. Joseph Portera, 2953 Edgewood Avenue, Baltimore, Md. 21234
Mr. John Disney, 2903 Manns Avenue, Baltimore, Md. 21234
Ms. Mary E. Ginn, 606 Horncrest Road, Towson, Md. 21204



101

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
8910 Harford Road, Corner S/S Edgewood	*	ZONING COMMISSIONER
Avenue, W/S Harford Road		
9th Election District, 6th Councilmanic	*	OF BALTIMORE COUNTY
James White	*	CASE NO. 97-396-SPHA
Petitioner		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Paul Lee Engineering, Inc., 304 W. Pennsylvania avenue, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Petition for Special Hearing

97-396-SPH A

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve -----

that a hypnosis office ^{as} is considered general offices and not medical offices and is permitted in an "RO" Zone and to consider the variance request if the hypnosis office is considered medical.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

~~Contract Purchaser/Lessee:~~ Engineer:

Paul Lee Engineering, Inc.

(Type or Print Name)

Paul Lee

Signature

304 W. Pennsylvania Avenue

Address

Towson, Maryland 21204

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

James White

(Type or Print Name)

James L White

Signature

(Type or Print Name)

Signature

3219 Texas Avenue

Address

661-1112

Phone No.

Baltimore, Maryland 21234

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Paul Lee Engineering, Inc.

Name

304 W. Pennsylvania Ave.

Address

821-5941

Phone No.

Baltimore, Maryland 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING -1/2HR. ^{2 hr.} +1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL ☒ OTHER

REVIEWED BY: *mrl*

DATE 3/13/97





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #8910 HARFORD ROAD

which is presently zoned RO

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.8.A.4 & 204.3.C.1

and an alternative to Special Hearing Request. (see attached)

47-396-SPHK

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

~~Contract Purchaser/Owner~~ Engineer:

Paul Lee Engineering, Inc.

(Type or Print Name)

Signature

304 W. Pennsylvania Ave.

Address

Towson, Maryland 21204

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

James White

(Type or Print Name)

Signature

(Type or Print Name)

Signature

3219 Texas Avenue

Address

661-1112

Phone No

Baltimore, Maryland

City

State

21234

Zipcode

Name, Address and phone number of representative to be contacted

Paul Lee Engineering, Inc.

Name

304 W. Pennsylvania Ave.

Address

821-5941

Phone No

Balto., Md. 21204

OFFICIAL USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

3/18/97



Printed with Soybean Ink
on Recycled Paper



PETITION FOR VARIANCE

1. The petitioner is requesting in the alternative that the Commissioner determines that the requested use is medical, petitioner is requesting a variance from ~~Section 204.3.A.2~~ to permit the use of 100% of the office space in lieu of the permitted 25% and from Section 409.6.A.2 to permit eight (8) parking spaces in lieu of the required ten (10).
2. Petitioner is requesting a variance to Section 409.8.A.4 and 204.3.C.1 of the BCZR to permit a zero (0) foot setback for the parking area from a road right-of-way in lieu of the required ten (10) foot, a variance of 10 feet, and to permit a free standing sign of 96 square feet (48 square feet/face) in lieu of the permitted 30 square feet (15 square feet/face), a variance of 66 square feet.

Paul Lee, P.E.

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5941

97-396 SPH A

DESCRIPTION

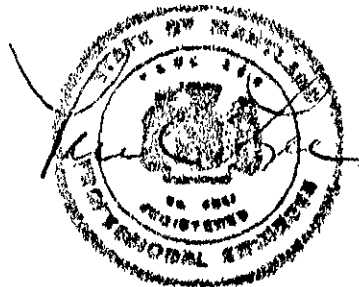
#8910 HARFORD ROAD

ELECTION DISTRICT 9C6

BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the south side of Edgewood Avenue, said point also being located Northwest-erly - 50 feet \pm from the center of Harford Road; thence running with and binding on said south side of Edgewood Avenue, (1) N 43°42'19" W - 100.59 feet and (2) N 40°55' W - 3.06 feet; thence leaving said south side of Edgewood Avenue, (3) S 49°05' W - 45.00 feet, thence (4) S 40°55' E - 132.76 feet to the west side of Harford Road, thence running with and binding on said west side of Harford Road (5) N 40°22' E - 29.03 feet and (6) N 00°19'25" W - 32.58 feet to the point of beginning.

Containing 5,939.75 square feet (0.136 acres) of land, more or less.



396

J.O. 97-009
3/7/97

Engineers — Surveyors — Site Planners

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #87-306-SPHA
8910 Harford Road
corner S/S Edgewood Avenue,
W/S Harford Road
9th Election District
6th Council District
Legal Owner(s):
James White

Special Hearing: to approve a bylaws office as general offices as is permitted in an R.O. zone. Variance: in the alternative, to permit the use of 100% medical office space in lieu of the permitted 25%; to permit 8 parking spaces in lieu of the required 10; to permit a zero foot setback for the parking area in lieu of the required 10 feet; and to permit a free-standing sign of 96 square feet (48 square feet/face) in lieu of the permitted 30 square feet (15 square feet/face).
Hearing: Tuesday, April 22, 1997 at 9:00 a.m., 4th floor Courts Building, 401 Brisley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

4062 April 3 C131808

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/3, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/3, 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 028719
97-396-SPHA

DATE 3/18/97 ACCOUNT 01-615

By: m7k
Itm: 396

AMOUNT \$ 500.00

RECEIVED FROM: Professional Hypnotists, Inc - 8910 Harford Rd.

020 - Camen Var - \$250.00

FOR: 040 - Sp. Hcrg - \$250.00

01A00W0113MICHRC \$500.00
BA C009#00AM03-18-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 041054

DATE 7/10/97 ACCOUNT R 001-6150

AMOUNT \$ 385.00

RECEIVED FROM: Professional Hypnotists, Inc.

FOR: Appeal 97-396-SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
7/10/1997 7/10/1997 13:18:58
REG 0503 CASHIER UNIT. ULM DRAMER 3
MISCELLANEOUS CASH RECEIPT
Receipt # 000592 OFLN
CR NO. 041054

385.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 97-396-SPHA

Petitioner/Developer:
(Jim White)
Date of Hearing/Closing:
(April 22, 1997)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____**

_____ 8910 Harford Rd. , Baltimore, Maryland 21236 _____

**The sign(s) were posted on _____ April 7, 1997 _____
(Month, Day, Year)**

Sincerely,

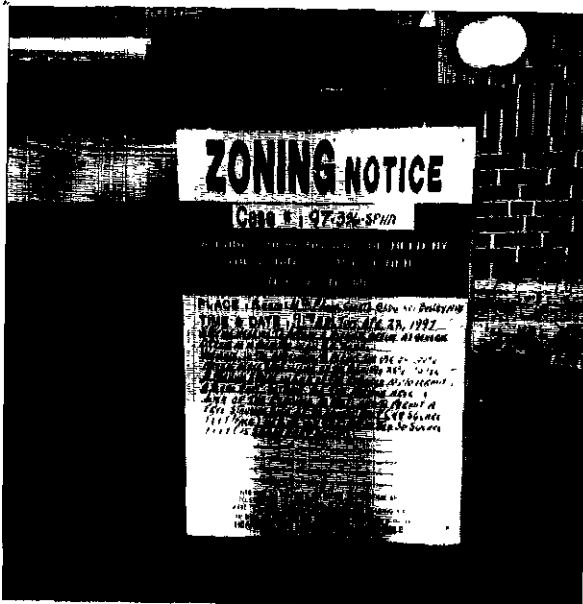
Thomas P. Ogle Sr.
(Signature of Sign Poster & Date)

**_____ Thomas P. Ogle, Sr. _____
(Printed Name)**

**_____ 325 Nicholson Road _____
(Address)**

_____ Baltimore, Maryland 21221 _____

**_____ (410)-687-8405 _____
(Telephone Number)**



97-396-SPHA

CERTIFICATE OF POSTING

RE: Case No.: 97-396 SPHA

Petitioner/Developer: _____

JAMES WHITE

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 8910 HARFORD RD.

PER OWNER
MOUNTED ON RAIL OF PORCH (NO GROUND FOR POST)

The sign(s) were posted on 8/12/97
(Month, Day, Year)

Sincerely,

Gary Freund 8/12/97
(Signature of Sign Poster and Date)

GARY FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

97 AUG 14 AM 10:35
RECEIVED
COUNTY BOARD OF APPEALS



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-396-SP14A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 396

Petitioner: James White

Location: 8910 Hartford Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: James White

ADDRESS: 3219 Texas Avenue

Balto. MD. 21234

PHONE NUMBER: (410) 661-1112

AJ:ggs

(Revised 09/24/96)

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE**Case No.: 97-396-SPHA**

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to approve a hypnosis office
as general office ~~with~~ and permitted in the R0 zoneVariance - to permit 100% medical office in lieu of 25% and
8 parking spaces in lieu of 10 if considered medical. To permit a
0' parking space to street ^{setback} R/W in lieu of 10' + permit a 96' freestanding sign in lieu of 30'

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**HANDICAPPED ACCESSIBLE**

TO: PUTUXENT PUBLISHING COMPANY
April 4, 1997 Issue - Jeffersonian

Please forward billing to:

James White
3219 Texas Avenue
Baltimore, MD 21234
661-1112

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-396-SPHA
8910 Harford Road
corner S/S Edgewood Avenue, W/S Harford Road
9th Election District - 6th Councilmanic
Legal Owner(s): James White

Special Hearing to approve a hypnosis office as general offices as is permitted in an R.O. zone. Variance, in the alternative, to permit the use of 100% medical office space in lieu of the permitted 25%; to permit 8 parking spaces in lieu of the required 10; to permit a zero foot setback for the parking area in lieu of the required 10 feet; and to permit a free-standing sign of 96 square feet (48 square feet/face) in lieu of the permitted 30 square feet (15 square feet/face).

HEARING: TUESDAY, APRIL 22, 1997 at 9:00 a.m., 4th floor Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 28, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-396-SPHA
8910 Harford Road
corner S/S Edgewood Avenue, W/S Harford Road
9th Election District - 6th Councilmanic
Legal Owner(s): James White

Special Hearing to approve a hypnosis office as general offices as is permitted in an R.O. zone.
Variance, in the alternative, to permit the use of 100% medical office space in lieu of the permitted 25%; to permit 8 parking spaces in lieu of the required 10; to permit a zero foot setback for the parking area in lieu of the required 10 feet; and to permit a free-standing sign of 96 square feet (48 square feet/face) in lieu of the permitted 30 square feet (15 square feet/face).

HEARING: TUESDAY, APRIL 22, 1997 at 9:00 a.m., 4th floor Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: James White
Paul Lee Engineering, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 7, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 26, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-~~3~~96-SPHA

IN THE MATTER OF: JAMES WHITE -Petitioner
8910 Harford Road 9th E; 6th C

(Petition for Special Hearing GRANTED; Petition for
Variance DISMISSED in part as moot and GRANTED in
part with restrictions by Z.C. /APPEALED AS TO
RESTRICTION #2 ONLY.)

ASSIGNED FOR:

TUESDAY, DECEMBER 30, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C,
Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient
reasons; said requests must be in writing and in compliance with Rule
2(b) of the Board's Rules. No postponements will be granted within 15
days of scheduled hearing date unless in full compliance with Rule
2(c).

Kathleen C. Bianco
Administrator

cc: Appellant /Petitioner

: James White

Paul Lee Engineering, Inc.

Protestants

/: Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

December 30, 1997

NOTICE OF DELIBERATION

Having concluded this matter on December 30, 1997, public deliberation has been scheduled by the Board as follows:

JAMES WHITE -Petitioner
Case No. 97-396-SPHA

DATE AND TIME : Friday, January 9, 1998 @ 9:30 a.m.
LOCATION : Room 48, Basement, Old Courthouse

Kathleen C. Bianco
Administrator

cc: Appellant /Petitioner : James White

Paul Lee Engineering, Inc.

Protestants

: Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Copied: C.W.F.



Case No. 97-396-SPHA

James White - Petitioner

Cor. S/s Edgewood Avenue, W/S Harford Road
(8910 Harford Road)

9th District

Appealed: 7/10/97

-attached Pet. Ex. #1

Plat to accompany petition



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 18, 1997

Mr. James White
3219 Texas Avenue
Baltimore, MD 21234

RE: Item No.: 396
Case No.: 97-396-SPHA
Petitioner: James White

Dear Mr. White:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 18, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: April 7, 1997

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for April 7, 1997
 Item No. 396

The Development Plans Review Division has reviewed the subject zoning item.

This office supports the modification request to the Landscape Manual to not require the 10 foot wide landscape strip against the right-of-way.

RWB:HJO:cab

cc: File

ZONE407.396

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/07/96

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Stanley E. Loyd - 395
James White - 396
Exxon Corporation - 401
Paul G. Vleck & Mark David Vleck &
Annabelle M. Vleck & Georgeann Lynch - 409

Location: DISTRIBUTION MEETING OF April 17, 1997

Item No.: 395, 396, 401, & 409

Zoning Agendas:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 3/23/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: March 31, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

396	404
397	405
398	406
401	408
402	
403	

RBS:sp

BRUCE2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4.1.97
Item No. 396 (MSK)

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 147 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.
Thank you for the opportunity to review this item.

Very truly yours,

R. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: April 2, 1997

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 387, 396, 402, 404, 405, 406, 407, and 408

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

PETITION PROBLEMS

97-396-SPHA

#395 --- MJK

1. Sign form incomplete/incorrect.

#396 --- MJK

1. Sign form incomplete/incorrect.

#397 --- MJK

1. Sign form incomplete/incorrect.

#401 --- JRA

1. NO sign form in folder.
2. Incomplete description on folder.

#402 --- JRA

1. NO sign form in folder.
2. Notary section is incorrect/incomplete.
3. No review information on bottom of petition form.
4. Not marked as flood zone on folder.

#408-- JCM

1. No telephone number for legal owner.
2. Two copies of sign form in folder - why?



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 14, 1997

Ms. Debra Pacheco
8908 Harford Road
Baltimore, MD 21234

RE: Petitions for Special
Hearing and Variance
S/S corner Edgewood Ave.,
W/S Harford Rd.
(8910 Harford Road)
9th Election District
6th Councilmanic District
James White - Petitioner
Case No. 97-396-SPHA

Dear Ms. Pacheco:

Please be advised that an appeal of the above-referenced case, restriction of access from State Rout 147, Harford Road only, was filed in this office on July 10, 1997 by James L. White. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director

AJ:rye

c: Messrs. Paul F. Insley and Robert B. Insley
Mr. Joseph Portera
Mr. John Disney
Ms. Mary E. Ginn
People's Counsel

97 JUL 17 AM 11:20

RECEIVED
COUNTY BOARD OF APPEALS



APPEAL

Petitions for Special Hearing and Variance
S/S corner Edgewood Ave., W/S Harford Road
(8910 Harford Road)
9th Election District - 6th Councilmanic District
James White - Petitioner
Case No. 97-396-SPHA

Petition for Special Hearing and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibit: 1 - Plat to Accompany Petition for Special
Hearing and Variance

Letter of Opposition

Zoning Commissioner's Order dated June 11, 1997 (Granted)

Notice of Appeal of the restriction of access from State Rout 147,
Harford Road only received on July 10, 1997 from James L. White

c: Mr. James White, 3219 Texas Avenue, Baltimore, MD 21234
Paul Lee Engineering, Inc., 304 W. Pennsylvania Avenue, Towson,
Maryland 21204
Ms. Debra Pacheco, 8908 Harford Road, Baltimore, MD 21234
Messrs. Paul F. Insley and Robert B. Insley, 9309 Fullerdale
Avenue, Baltimore, MD 21234
Mr. Joseph Portera, 2953 Edgewood Avenue, Baltimore, MD 21234
Mr. John Disney, 2903 Manns Avenue, Baltimore, MD 21234
Ms. Mary E. Ginn, 606 Horncrest Road, Towson, MD 21204
People's Counsel of Baltimore County, M.S. 2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Heard 1/9/98



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

file copy

October 1, 1997

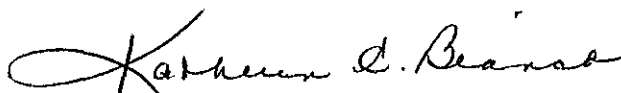
Mr. James White
3219 Texas Avenue
Baltimore, MD 21234

RE: Case No. 97-396-SPHA
James White -Petitioner

Dear Mr. White:

Regarding the Notice of Assignment dated September 26, 1997,
the case number as indicated for the subject matter should read:
Case #: 97-396-SPHA. There are no other changes to this Notice.

Very truly yours,


Kathleen C. Bianco
Administrator

cc: Paul Lee Engineering, Inc.
Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence M. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: James White -Petitioner
Case No. 97-396-SPHA

DATE : January 9, 1998 @ 9:30 a.m.

BOARD /PANEL : Charles L. Marks, Acting Chairman (CLM)
Donna M. Felling (DMF)
Margaret Worrall (MW)

SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE: To deliberate Case No. 97-396-SPHA; evidence and testimony received by the Board at hearing on December 30, 1997.

Petition for Special Hearing /to determine that hypnotist office is considered a general office rather than a medical office, and permitted by right in an R.O. zone; OR IN ALTERNATIVE: Petition for Variance /100% use of building in lieu of permitted 25%; and
Petition for Variance /setbacks and sign.

Appealed from June 11, 1997 decision of the Zoning Commissioner in which requested relief was granted; appeal filed by Petitioner as to restriction only. No other appeals filed.

CLM: Let the minutes show that the County Board of Appeals is in its regularly scheduled session for Friday, January 9, 1998 at 9:30 a.m. to publicly deliberate the matter concerning James White, Petitioner, Case No. 97-396-SPHA, this matter having previously been heard in formal hearing several days ago.

MW: Reviewed file and exhibits; noted that limited appeal only as to restriction (no other appeals filed); it is a general office; not appealed by anyone; variance granted below as to setbacks and from sign regulations.

Appeal is simply of the condition imposed relative to front portion of the property; vehicles drive over existing and deteriorating curb on Harford Road.

Discussed safety issues raised, access available from Edgewood and recognition of associated problems with that access. Entry from Harford Road should be prohibited.

CLM: Again stated that only limited appeal was filed by the Petitioner; no appeal by protestants. The only thing before the Board is the isolated issue of whether or not there should be coming and going from Harford Road. Zoning Commissioner already determined uniqueness and practical difficulty. The only thing the Board must decide is the condition imposed.

Final determination after consideration of all testimony and evidence is that parking in front of the lot is a problem; issue of safety involved; noted the generosity of the Zoning Commissioner in granting variances. In the spirit of the

ordinance and public safety and welfare, the ruling should stand as to restriction (access from Harford Road denied).

DMF: Also spent much time trying to reach a decision, including complete review of notes and the law.

Clearly a safety issue from both sides, Appellant saying it's unsafe for his customers to access from other locations, questioning the restriction; and from the protestants saying that the neighborhood safety is the #1 concern, and rightfully so. Real concern about what the Board will do; Petitioner seeking relief for customers entering his business. Understanding of issues if Edgewood is the only access, and need to use other roads to use that location; bottom line is public safety, but still concerned about how access is granted.

MW: Discussed Edgewood Avenue and the fact that it is a one-way street. Possibly could be two ways - would require community and business getting together. But Board does not have authority to deal with that.

CLM: Again stated inordinate amount of time spent on this case; sympathetic to Petitioner. Discussed other accesses along Harford Road; final position is that the Zoning Commissioner's order should be upheld in its entirety.

MW: Agreed.

CLM: Indicated to DMF that if she felt strongly, could dissent on this.

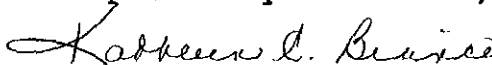
DMF: Only thought it should be on the table; would agree and support the Zoning Commissioner and further agree that granting the variances could have been a problem. However, that is not Board's decision to make. Only looking at the restrictions; will uphold the restrictions and hope that Petitioner can find some way that access to his facility is done in such a way that it addresses all safety concerns.

CLM: Would appear that Board's decision is unanimous. Will issue formal Opinion and Order, and that should be coming out shortly. Upon receipt of that, and not today's date, but date of that order, an appeal may be filed to the Circuit Court from the date of that Order.

Thank you for your attendance. This hearing is adjourned.

* * * * *

Respectfully submitted,



Kathleen C. Bianco
Administrator

Case No. 97-396-SPHA

SPH -Decision that Hypnotist office is considered a general office rather than medical office, and permitted by right in an R.O. zone; VAR -alternate relief if Petition for SPH is denied /100% use of building ilo permitted 25%; parking spaces; and VAR -setbacks and sign (irrespective of decision regarding SPH).

6/11/97 -Z.C.'s Order in which Petition for Special Hearing was GRANTED; Petition for Variance DISMISSED as MOOT (alternative relief); Petition for Variance GRANTED with restrictions.

9/26/97 - Notice of Assignment for hearing scheduled for Tuesday, December 30, 1997 at 10:00 a.m. sent to following:

James White
Paul Lee Engineering, Inc.
Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

10/01/97 -Letter to parties; case number as shown on Notice of Assignment should read: Case No. 97-396-SPHA. No other changes to notice.

12/30/97 -Hearing concluded before Board (C.W.F.); scheduled for public deliberation on Friday, January 9, 1998 at 9:30 a.m. Notice sent 12/30/97.

1/09/98 -Deliberation concluded; restriction to remain as placed by Zoning Commissioner; no access from Harford Road. Order to be issued; appellate period to run from date of written Order. (C.W.F.)

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

TO: Pam Ellis, Code Enforcement Inspector
Office of Permits and Development Management

March 12, 1998

FROM: Lawrence E. Schmidt
Zoning Commissioner



SUBJECT: 97-396-SPHA
James White, Petitioner

Confirming our recent meeting concerning the above property, it is my intent that the Petitioner make improvements to the front yard of the site so as to prohibit access thereto from Harford Road. I will not require any specific means to prohibit access and will leave those specifics to your office and Mr. White. I envision that the improvements could include a fence, landscaping, or the erection of some type of barrier. For so long as traffic on Harford Road is prohibited from direct access onto the site, I am unconcerned about the specific of traffic control measures which will be employed.

Please call me if you have any further questions regarding the above matter.

LES:mmn

c: Mr. James White
8910 Harford Road
Baltimore, Maryland 21234

*Pam: Thanks
Would you
please place
this copy in
97-396 file*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 28, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed File:
97-396-SPHA /James White

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-396-SPHA)

Baltimore County Zoning Office
Towson Maryland

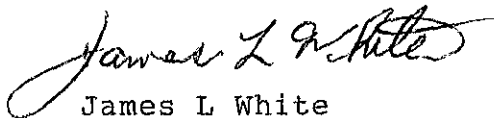
Dear Sir

I want to appeal the findings of
Case No. 97-396- SPHA
Edgewood Ave, W/S Harford Rd.
8910 Harford Road
9th Election District
6th Councilmanic District
James L. white, Petitioner

the only portion of the judgement I am appealing is the restriction of access from State Rout 147, Harford Road. The State Highway Administration has no objection to granting access, however the Baltimore County Zoning Officer has denied me this accessss. I believe this constitutes a restriction of trade. This makes customers drive approx. 1/2 mile through residential neighborhood streets (two have not been improved by sidewalk curb and gutter) to attain parking.

Also the zoning Officer decreed if he is overruled I must tear up the macadam in the front portion of the building, this will take away two additional parking spots. The main problem here is Edgewood Ave. which is a East bound one way Street that borders this property on the North side. Also this is a RO building surrounded by BL.

Thank You



James L White
3219 Texas Ave.
Baltimore Md. 21234

9/15/02
L.W

MR. AVERY HARDEN
LANDSCAPE DEPT. BALTO. CO. MD.
111 WEST CHESAPEAKE AVE.
TOWSON MD. 21204

DEAR SIR

DURING THE YEAR 1996 or 1997 I WAS IN YOUR OFFICE AND YOU SIGNED
A FORM FOR ME THAT ALLOWED MY OFFICE BUILDING LOCATED AT 8910
HARFORD RD. 21234, WHICH IS ZONED R.O. TO BE EXEMPT FROM HAVING
FLOWERS ALONG THE HARFORD RD. SECTION. IN DOING SO THIS GAVE
THE PROPERTY THE ABILITY TO HOLD 4 ADDITIONAL PARKED CARS.
AND ALSO SPARES THE NEIGHBORHOOD FROM HAVING MY CLIENTS PARK
IN FRONT OF THEIR HOMES.

AT THIS TIME, AS WE AGREED, I HAVE INSTALLED CONCRETE TIRE
BUMPERS, WHICH ACTS AS A BARRIER, ALONG HARFORD ROAD WHICH
PREVENTS ACCESS ONTO AND OFF OF THE PROPERTY.

UNFORTUNATELY AT THIS TIME I NEED YOU TO SEND ME SOME DOCUMENTATION
OF OUR MEETING AND THE PAPER YOU SIGNED OFF ON, SO MANY YEARS
AGO.

SINCERELY

James L. White

JAMES L. WHITE
8910 HARFORD ROAD
BALTO. MD. 21234

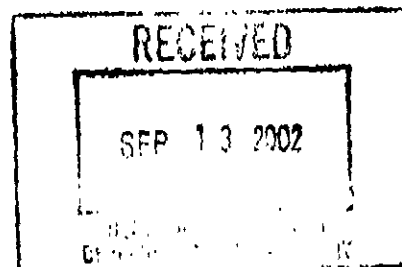
99-1033 - barriers, etc
02-6553 - check - no 1/2 mile

BALTIMORE COUNTY
DEPT. OF PERMITS & DEV. MGMT.
LANDSCAPE ~~DEPT~~ APPROVED
WAIVED

BY *[Signature]*

DATE

9-18-02



ENTERED IN AS400
BY: *9/20/02 [Signature]*

2915 Edgewood Avenue
Baltimore, MD 21234
April 21, 1997

Lawrence Schmidt
Zoning Court
401 Bosley Avenue
Towson, MD

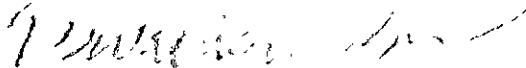
Dear Mr. Schmidt,

I am writing this due to my concern about the proposed violations that are going to be heard by you today regarding the hypnotist at the corner of Edgewood Avenue and Harford Road.

It is my understanding that this person has asked to have parking to the curb at the end of my street, and I must ask that you not grant this. It is a very dangerous corner as it is, and anything that inhibits clear vision of traffic would be disastrous.

Aesthetically I am also opposed to the huge sign that has been requested, and would like to ask that you please have this business person adhere to the laws that are in effect. Thank you for your consideration.

Sincerely,



EB Waslton RN

County Highway Deed.

Item 23

CODE: 05--RW-77-075-6
J.O. 5-2-607District No. 9
Account No.

THIS DEED, Made this 28th day of June, in the year 1977
by JOSEPH LAWRENCE PORTERA and ANNA GERTRUDE PORTERA, his wife, of Baltimore

County, State of Maryland, Grantors.

TRANSFER TAX NOT REQUIRED

Walter R. Richardson

Director of Finance

BALTIMORE COUNTY, MARYLAND

Per: *Walter R. Richardson*
8-1-77 Authorized Signature R.S. 11-80-A

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey unto BALTIMORE COUNTY, MARYLAND, a body corporate and politic, its successors and assigns, in fee simple, for public highway purposes, all that lot of ground situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEING a parcel of Land 5 foot wide across the property of the Grantors, said property being Lots Nos. 121 and 122, Plat of "EDGEWOOD PARK", which Plat is recorded among the Plat Records of Baltimore County in Liber W.P.C. No. 7, folio 6, said parcel of land containing 0.005 acre, more or less (200 sq. ft., more or less), to be used for the widening of EDGEWOOD AVENUE, as shown shaded and indicated "HIGHWAY WIDENING" on Baltimore County Bureau of Land Acquisition Drawing No. RW 77-075-6, which is attached hereto and made a part hereof.

TOGETHER with a temporary easement area, containing 0.003 acre, more or less (115 sq. ft., more or less), as shown indicated "TEMPORARY SLOPE EASEMENT" on the aforesaid Drawing No. RW 77-075-6, which is attached hereto and made a part hereof, to be used during the period of construction only, for the purpose of creating the necessary supporting slopes, and all rights in said temporary easement hereby granted to Baltimore County, Maryland, shall, upon completion of construction, terminate and revert to the Grantors.

TOGETHER ALSO with a temporary easement for construction purposes over the property of the Grantors, as shown indicated "DRIVEWAY ADJUSTMENT AREA" on the aforesaid Drawing No. RW 77-075-6, which is attached hereto and made a part hereof, said temporary easement shall become null and void upon the completion of the highway construction, and the Grantors herein shall hold the property over which the said temporary easement runs free and clear of said temporary easement.

TOGETHER ALSO with the right of Baltimore County, Maryland, its successors or assigns, employees or agents, to remove any tree having a butt diameter of 3" or less which may be in the aforesaid temporary construction area.

TOGETHER ALSO with all right, title and interest of the Grantors in and to the bed of EDGEWOOD AVENUE, as shown on the aforesaid Drawing No. RW 77-075-6, which is attached hereto and made a part hereof.

BEING a portion of the property which by a Deed dated April 18, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4745, folio 491 was granted and conveyed by Marie C. Bacon, widow, to Joseph Lawrence Portera and Anna Gertrude Portera, his wife.

TOGETHER with the appurtenances and advantages to the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD the above granted property unto Baltimore County, Maryland, a body corporate and politic, its successors and assigns, in fee simple, for public highway purposes.



① VERTICAL LETTERING INDICATES EXISTING PROPERTY LINES.

② SLANT LETTERING DENOTES PROPOSED CHANGES TO PROPERTIES.

③ ALL AREAS FOUND BY PLATMEASURER UNLESS OTHERWISE NOTED.

THIS PLAT IS COMPILED FROM DEEDS AND CURVEY, THE COURTESY AND DISTANCE SHOWN ON "PROPERTY" ADJOINING THE PROPOSED RIGHT OF WAY ARE NOT TO BE CONSIDERED AS BEING REFERENCE TO ANY OTHER AND NO NUMBER AND DO NOT NECESSARILY REFER TO THE MICHIGAN SHOWN HEREIN NOR DO THEY IMPLY A CURRENT SURVEY OF SAID PROPERTIES UNLESS SO NOTED.

THIS PLAT IS COMPILED FROM DEEDS AND CURVEY, THE COURTESY AND DISTANCE SHOWN ON "PROPERTY" ADJOINING THE PROPOSED RIGHT OF WAY ARE NOT TO BE CONSIDERED AS BEING REFERENCE TO ANY OTHER AND NO NUMBER AND DO NOT NECESSARILY REFER TO THE MICHIGAN SHOWN HEREIN NOR DO THEY IMPLY A CURRENT SURVEY OF SAID PROPERTIES UNLESS SO NOTED.

PLAT OF
"EDGEWOOD PARK"
WPC 7/L

NONCI O' GENNERO
OTG 4745-495
HIGHWAY WIDENING AREA - 100' x 0.0005 AC
TEMPORARY SLOPE EASEMENT AREA
134' x 0.0003 AC

JOSEPH LAWRENCE PORTER
OTG 4745-491
HIGHWAY WIDENING AREA - 100' x 0.0005 AC
TEMPORARY SLOPE EASEMENT AREA
115' x 0.0003 AC
DRIVEWAY ADJUSTMENT AREA
96' x 1'

ALBERT R. JOHNS, SR., L.TUX
F.H.K. JR. 5571-327
HIGHWAY WIDENING AREA - 100' x 0.0005 AC
TEMPORARY SLOPE EASEMENT AREA
74' x 1'
DRIVEWAY ADJUSTMENT AREA
100' x 0.0005 AC

JOSEPH EDWARD NOBLE, L.TUX
GLB 2906-89
HIGHWAY WIDENING AREA - 100' x 0.0005 AC
TEMPORARY SLOPE EASEMENT AREA
80' x 1'
DRIVEWAY ADJUSTMENT AREA
94' x 1'

ELEANOR BARNICKEL NOBLE, L.TUX
L.H.K. JR. 5571-327
HIGHWAY WIDENING AREA - 100' x 0.0005 AC
TEMPORARY SLOPE EASEMENT AREA
115' x 0.0003 AC

SEC. RW 77-075-5
HIGHWAY WIDENING
TEMPORARY SLOPE
EASEMENT

349'05" W - 120'

LOT #119

LOT #120

LOT #121

LOT #122

LOT #123

LOT #124

LOT #125

LOT #126

LOT #127

LOT #128

LOT #129

LOT #130

LOT #131

LOT #132

LOT #133

LOT #134

LOT #135

LOT #136

LOT #137

LOT #138

LOT #139

LOT #140

LOT #141

LOT #142

LOT #143

LOT #144

LOT #145

LOT #146

LOT #147

LOT #148

LOT #149

LOT #150

LOT #151

LOT #152

LOT #153

LOT #154

LOT #155

LOT #156

LOT #157

LOT #158

LOT #159

LOT #160

LOT #161

LOT #162

LOT #163

LOT #164

LOT #165

LOT #166

LOT #167

LOT #168

LOT #169

LOT #170

LOT #171

LOT #172

LOT #173

LOT #174

LOT #175

LOT #176

LOT #177

LOT #178

LOT #179

LOT #180

LOT #181

LOT #182

LOT #183

LOT #184

LOT #185

LOT #186

LOT #187

LOT #188

LOT #189

LOT #190

LOT #191

LOT #192

LOT #193

LOT #194

LOT #195

LOT #196

LOT #197

LOT #198

LOT #199

LOT #200

LOT #201

LOT #202

LOT #203

LOT #204

LOT #205

LOT #206

LOT #207

LOT #208

LOT #209

LOT #210

LOT #211

LOT #212

LOT #213

LOT #214

LOT #215

LOT #216

LOT #217

LOT #218

LOT #219

LOT #220

LOT #221

LOT #222

LOT #223

LOT #224

LOT #225

LOT #226

LOT #227

LOT #228

LOT #229

LOT #230

LOT #231

LOT #232

LOT #233

LOT #234

LOT #235

LOT #236

LOT #237

LOT #238

LOT #239

LOT #240

LOT #241

LOT #242

LOT #243

LOT #244

LOT #245

LOT #246

LOT #247

LOT #248

LOT #249

LOT #250

LOT #251

LOT #252

LOT #253

LOT #254

LOT #255

LOT #256

LOT #257

LOT #258

LOT #259

LOT #260

LOT #261

LOT #262

LOT #263

LOT #264

LOT #265

LOT #266

LOT #267

LOT #268

LOT #269

LOT #270

LOT #271

LOT #272

LOT #273

LOT #274

LOT #275

LOT #276

LOT #277

LOT #278

LOT #279

LOT #280

LOT #281

LOT #282

LOT #283

LOT #284

LOT #285

LOT #286

LOT #287

LOT #288

LOT #289

LOT #290

LOT #291

LOT #292

LOT #293

LOT #294

LOT #295

LOT #296

LOT #297

LOT #298

LOT #299

LOT #300

LOT #301

LOT #302

LOT #303

LOT #304

LOT #305

LOT #306

LOT #307

LOT #308

LOT #309

LOT #310

LOT #311

LOT #312

LOT #313

LOT #314

LOT #315

LOT #316

LOT #317

LOT #318

LOT #319

LOT #320

LOT #321

LOT #322

LOT #323

LOT #324

LOT #325

LOT #326

LOT #327

LOT #328

LOT #329

LOT #330

LOT #331

LOT #332

LOT #333

LOT #334

LOT #335

LOT #336

LOT #337

LOT #338

LOT #339

LOT #340

LOT #341

LOT #342

LOT #343

LOT #344

LOT #345

LOT #346

LOT #347

LOT #348

LOT #349

LOT #350

LOT #351

LOT #352

LOT #353

LOT #354

LOT #355

LOT #356

LOT #357

LOT #358

LOT #359

LOT #360

LOT #361

LOT #362

LOT #363

LOT #364

LOT #365

LOT #366

LOT #367

LOT #368

LOT #369

LOT #370

LOT #371

LOT #372

Newton A. Williams

DIRECT DIAL
(410) 823-7858

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX (410) 298-2765

J EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

TELECOPY COVER PAGE

DATE: APRIL 13, 1998 CLIENT/MATTER 5848-1

TO: HON LAWRENCE SCHMIDT, ESQ.

FIRM: ZONING COMMISSIONER

RE: WHITE PROPERTY -8910 HARFORD ROAD 07-396-SPHA

FAX NO 410 887 3468

PHONE NO. 410 887 4386

NUMBER OF PAGES (INCLUDING COVER SHEET): 19

FROM: Newton A. Williams

IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL

Newton Williams, NPW OR MARCIE

At 410-823-7800

DEAR COMMISSIONER SCHMIDT:

ENCLOSED PLEASE FIND MY SPIRIT AND INTENT LETTER OF MARCH 19TH TO YOU AND TO MR. JABLON, WITH ENCLOSED DECISIONS OF JUNE 11TH, 1997, YOURS AND THE BOARD'S OF FEBRUARY 11TH, 1998.

THE SITE PLAN IN BOTH CASES NEVER SHOWED HARFORD ROAD ACCESS, AND THE WE BELIEVE THAT WE COULD FILE A NEW CASE ASKING FOR SUCH ACCESS.

AS YOU CAN SEE IN JOE MERREY'S REPLY OF APRIL 6, 1998, HE HAS DEFERRED TO YOUR OFFICE ON THIS POINT. COULD PLEASE CONSIDER THIS AND CALL ME. THANK YOU.

PLEASE REVIEW AND ADVISE.

SINCERELY,

NEWTON

MAIL CC: MR. JAMES WHITE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 6, 1998

Newton Williams, Esquire
Nolan, Plumhoff & Williams
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204-4528

RE: Zoning Verification
8910 Harford Road
Zoning Case 97-396-SPHA
9th Election District

Dear Mr. Williams:

Your letter of March 19, 1998, relative to the above referenced property, has been forwarded to me for reply. Having reviewed the orders (97-396-SPHA) from both Zoning Commissioner and the Board of Appeals concerning this matter, I am of the opinion that a special hearing is the appropriate means to address the issue you raise. Both the Commissioner and the Board addressed the access issue on Harford Road, with the Board incorporating restriction number two from the Commissioner's order relative to same. It is my opinion that the question you raise, namely, was the access issue "litigated", is an issue properly brought before the Hearing Officer for consideration and disposition, not the zoning office.

If I may be of further assistance in this matter, please feel free to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Merrey", is written over a circular stamp.

Joseph C. Merrey
Planner II
Zoning Review

JCM:ch

c: Zoning Case #97-396-SPHA

File

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
CATHERINE A. POTTHAST*
E. BRUCE JONES**
STUART A. SCHADT

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX (410) 296-2765
E-MAIL: npw@nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1990)
WRITER'S DIRECT DIAL
823 - 7856

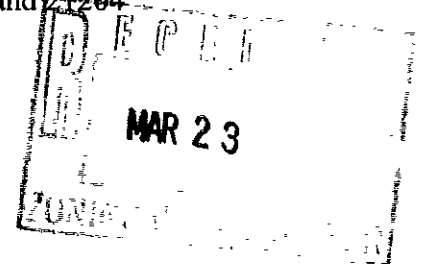
* ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

March 19, 1998

Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
County Courts Building
Towson, Maryland 21204

Arnold Jablon, Esquire
Director
Department of Permits and
Development Management
County Office Building
Towson, Maryland 21204

Re: The White Property
8910 Harford Road
Case No. 97-396-SPHA



Dear Commissioner Schmidt and Mr. Jablon:

Several years ago, Mr. White, a professional hypnotist, purchased the subject property at 8910 Harford Road at the northwest corner of Harford Road and Edgewood Avenue. In Case Number 97-396-SPHA, certain zoning relief was granted as to parking setbacks, a sign and other relief.

The Paul Lee plat in question, portions of which are enclosed, never asked for, and never sought a driveway outlet onto Harford Road. Unfortunately, Edgewood Avenue is one-way easterly toward Harford Road, and it is a serious problem for his clients to find their way through a maze of neighborhood streets to get to the site, without Harford Road access.

Recently, Mr. White carried this case to the County Board of Appeals, and the County Board affirmed an order of Mr. Schmidt, to the effect that unrestricted, totally paved, non-curb cut access would not be allowed to Harford Road.

In order to aid both of you, a copy of the Board's Opinion and Order of February 11, 1998, and Commissioner Schmidt's Opinion and Order of June 11, 1997, are enclosed herewith.

I have spoken with Rahee Familli in Public Works, as well as to a representative of the State, Mr. Lawrence Gredlein.

Honorable Lawrence E. Schmidt
Arnold Jablon, Esquire
Page two
March 19, 1998

Rahee indicates that he would not have a problem with a one-way in driveway on the west side of the house which would pass the side of the house with 9 ½ feet of clearance, instead of a full 10 foot driveway.

In like manner, Mr. Gredlein indicated that he would thoroughly consider and review it if it can be clarified to his Department that the earlier Orders did not involve a request for driveway access. That is, that the earlier Orders were directed at totally unobstructed access with people driving over the very low curb.

What we are asking for is a clarification, that the question of properly regulated access, reviewed by both the State Highway Administration and Baltimore County has never been litigated.

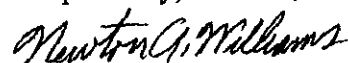
We trust that you will both agree that this is the case.

If you are treating this letter as a Forty (\$40.00) Dollar spirit and intent letter, our office check in that amount is enclosed herewith. Also enclosed are portions of the site plan to aid you in coming to a, hopefully, favorable decision.

Bear in mind, that if you decide this favorably, you are not deciding it on the merits, you are only saying yes, you are correct, the question of driveway access properly reviewed and regulated has not been reviewed.

Thanking you both, as well as your staff, for your kind attention to this matter, I am

Respectfully,



Newton A. Williams

NAW:mao
encls.

cc: Mr. Jim White
8910 Harford Road
Baltimore, MD 21234

Mr. Vince Moskunas
M&H Engineers
Shell Building
101 E. Joppa Road
Towson, MD 21286

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

ATTORNEY ESCROW ACCOUNT

DATE : Mar 19, 1998
CHE # : 51157
AMOUNT: \$40.00
ACCOUNT: 1
PAID TO: Baltimore County

51157

03/19/98 S & I Letter

CLIENT: 5848 - Mr. James White
MATTER: 5848-1

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

ATTORNEY ESCROW ACCOUNT

NOTTINGHAM CENTER SUITE 700 502 WASHINGTON AVENUE
TOWSON, MD 21204-4528
(410) 823-7800

BANK OF MARYLAND
TOWSON, MD 21204
66-211-650

Forty ***** 00/100

DATE

AMOUNT


Mar 19, 1998 \$40.00

PAY

TO THE Baltimore County
ORDER
OF

VOID IF NOT PRESENTED WITHIN 60 DAYS FROM DATE
OF ISSUE

03/19/98 S & I Letter



AUTHORIZED SIGNATURE

⑈051157⑈ ⑈055002118⑈

1200501071⑈

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

ATTORNEY ESCROW ACCOUNT

DATE : Mar 19, 1998
CHE # : 51157
AMOUNT: \$40.00
ACCOUNT: 1
PAID TO: Baltimore County
03/19/98 S & I Letter
CLIENT: 5848 - Mr. James White
MATTER: 5848-1
LAWYER: Newton A. Williams
3219 Texas Ave

Baltimore
MD
21234
8910 Harford Road

**** GENERAL BALANCES ****

UNBILLED DISBS: 20.00
A/R BALANCE : 0.00

**** TRUST BALANCES ****

Trust Acct 1: 460.00

TRUST BALANCE : 460.00

51157



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 28, 1999

Mr. James L. White
3219 Texas Avenue
Baltimore, Maryland 21234

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
(8910 Harford Road)
Case No. 97-396-SPHA

Dear Mr. White:

In response to your recent inquiry concerning Restriction No. 2 of the Order issued in the above-captioned matter, the following comments are offered.

As stated within my Order, I will leave the specifics of the required buffer area between the right-of-way for Harford Road and the front yard of your property to the Office of Planning and/or the Department of Permits and Development Management (DPDM). Restriction No. 2 of my Order required that landscaping or some other type of barrier be installed in this area to prohibit vehicular traffic from driving over the curb into the parking lot in front of your property. Thus, landscaping is not required; however, some type of barrier, be it landscaping, a low wall, fencing, or barricade that will block access to your property direct from Harford Road need be installed. I understand that you have installed concrete wheel stops along the front of your property; however, these are not permanent structures, nor are they sufficient to stop traffic from entering your property off of Harford Road. Again, I will leave it to the discretion of the Department of Permits and Development Management (DPDM) and/or the Office of Planning (OP) to determine what would be an appropriate barrier for this area.

Therefore, please contact Mr. Jeffrey Long in the Office of Planning (887-3480), or Mr. Dennis Rioux, Code Enforcement Division of DPDM (887-3351) for further advice in this regard.

OK JEA LAW
Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Jeffrey Long (OP); Mr. Dennis Rioux (DPDM); Case File

Come visit the County's Website at www.co.ba.md.us

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 10-31-96
OEA: JG/SMD/KRA
HISTORIC DISTRICT/BLDG.

PERMIT # 8-287990
RECEIPT # 8-316855
CONTROL # COC-
REF #

PROPERTY ADDRESS 8910 Hartford Rd
SUITE/SPACE/FLOOR
SUBDIV: EDGEWOOD PARK
TAX ACCOUNT #: 9902 001330
OWNER'S INFORMATION (LAST, FIRST)
NAME: WHITE JAMES L.
ADDR: 3819 TEXAS AVE 8910 HARTFORD RD 21234

YES ☒ NO
DO NOT KNOW
DISTRICT/PRECINCT 9 22

EE: 35.00
AID:
AID BY: APPL
INSPECTOR:

HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING 1 or 2 FAM.
CODE CODE
BOCA CODE ☒
TYPE OF IMPROVEMENT
NEW BLDG CONST
ADDITION
ALTERATION
REPAIR
WRECKING
MOVING
OTHER COC

TYPE OF USE
RESIDENTIAL
1. ONE FAMILY
2. TWO FAMILY
3. THREE AND FOUR FAMILY
4. FIVE OR MORE FAMILY (ENTER NO UNITS)
5. SWIMMING POOL
6. GARAGE
7. OTHER

TYPE FOUNDATION
SLAB
BLOCK
CONCRETE

BASEMENT
1. FULL
2. PARTIAL
3. NONE

TYPE OF CONSTRUCTION
MASONRY
WOOD FRAME
STRUCTURE STEEL
REINF. CONCRETE

CENTRAL AIR: 1. 2. 1. PUBLIC SYSTEM 2. PRIVATE SYSTEM
ESTIMATED COST: \$ 114
OF MATERIALS AND LABOR

PROPOSED USE: OFFICE
EXISTING USE: SED

OWNERSHIP
1. PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIRISE
FAMILY BEDROOMS
BATHROOMS
KITCHENS
CLASS 4
LIBER 5 FOLIO ce

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 0 SIZE 5580 SF
WIDTH FRONT STREET
DEPTH SIDE STREET
HEIGHT FRONT SETBK
STORIES SIDE SETBK
LOT #'S REAR SETBK
CORNER LOT
1. Y 2. N ZONING R0

APPLICANT INFORMATION
NAME: JAMES L. WHITE
COMPANY: PROFESSIONAL HYMNISTS INC
STREET 8910 Hartford Rd
CITY, ST, ZIP BALTO MD. 21234
PHONE #: 410 661 1111 MHIC LICENSE #:
APPLICANT
SIGNATURE: James L. White TRACT: BLOCK:
PLANS: CONST PLOT 10 PLAT DATA EL 2 PL 2
TENANT
CONTR: OWNER
ENGR:
SELLR:

DESCRIBE PROPOSED WORK: AS PER ORDER 97-396-SPHA
CHANGE OF OCCUPANCY FROM SED TO OFFICE. JEFF LONG OF OPEC HAS APPROVED
NO ALTERATION WORK.

General Office

NON-RESIDENTIAL
08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
20. SWIMMING POOL SPECIFY TYPE
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER COC

TYPE OF SEWAGE DISPOSAL
1. PUBLIC SEWER EXISTS PROPOSED
2. PRIVATE SYSTEM EXISTS PROPOSED
3. SEPTIC EXISTS PROPOSED
4. PRIVY EXISTS PROPOSED

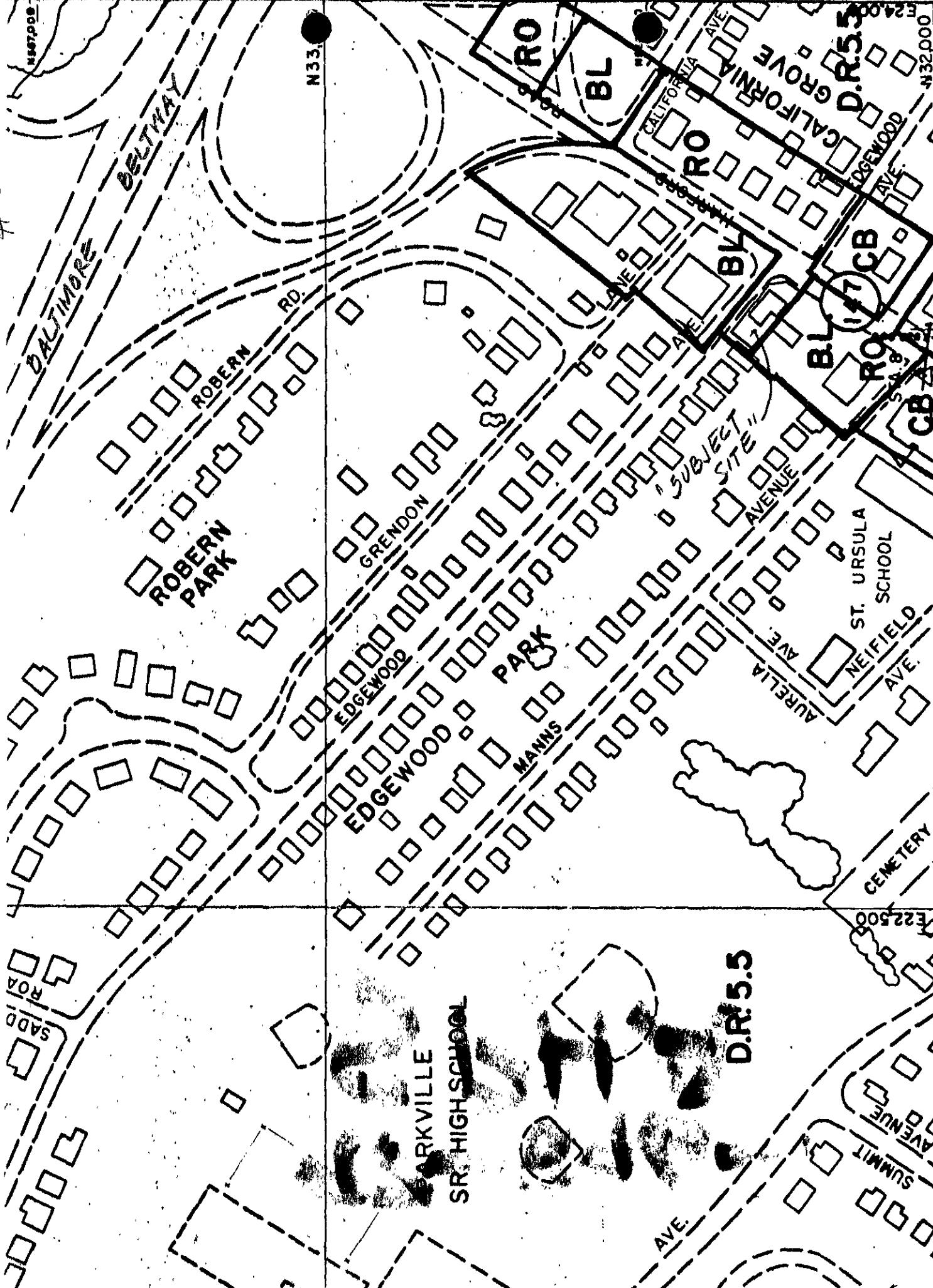
APPROVAL/SIGNATURES
BLD INSP: 10/31/96
BLD PLAN: 10/31/96
FIRE: 10/31/96
SEDI CTL: 10/31/96
ZONING: 10/31/96
PUB SERV: 10/31/96
ENVRMNT: 10/31/96
PERMITS: 10/31/96

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

PER JA ONCE JEFF LONG OFFICE FLOOR PLANS OK PER LEONARD WASILEWSKI
HAS APPROVED CAN FINAL

237-4280 FIRE INSURANCE OFFICE

76C #



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Paul Lu
James L White

304 W. Pennsylvania Ave 21204
3219 TEXAS AVE



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

DEBRA PACHECO

PAUL F. INSLEY

Joseph PORTERA

John G. Disney

ROGER B. INSLEY

MARY L. GINN

8908 HARFORD Rd.

9309 FULLERDALE

2953 Edgewood Ave.

2903 MANNS Ave

9309 FULLERDALE AVE

606 HARNETT ST #11209



Per. #2

BALTIMORE COUNTY SMOKING CLINIC
6953 HARFORD ROAD • BALTIMORE, MD 21234 • (410) 661-1111

Since 1975 we have offered our highly successful stop smoking hypnosis program. During that time we have seen thousands of smokers from Maryland and adjoining states. Using our program their individual successes have been exceptional. Many of our clients previously tried to stop smoking using different methods, the nicotine patch, or chewing gum, changing brands, sheer determination, even other hypnosis methods. The quality and success of our clinic is well documented. Medically no one is considered successful for at least two years. The following are excerpts from testimonials sent to us through 1990. Hopefully as you read them you will take heart and follow their lead.

■ Nine city desk employees of the *Baltimore News American* attended as a corporate group. They published a full page article in February of 1984 praising the clinic and attesting to their success.

■ On September 9, 1981, I attended your clinic. I have not touched a cigarette since. I have no desire to smoke. In short, it is my sincere belief that my visit to your clinic saved my life! By way of testimonial, I have high regard for your method and I have sent many, many people to your clinic—they return to tell me how happy and pleased they are to have "kicked" the smoking habit. Keep up this vitally needed, good work. You are truly needed.

Sincerely,
Dr. E. D. Sears (Pharmacist)
Kingsville Pharmacy (Owner)

■ I wanted to let you know that the two sessions that I attended in March of 1982 are the only ones that I ever needed. I know of three friends of mine that I have sent to you who will also say the same thing.

Gratefully yours,
Wallace L. Lindley
Assistant Director, American Red Cross

■ I am happy to respond to your recent letter since your clinic was successful for me eight years ago. After 40 years of two to two-and-a-half packs of unfiltered Camels, I had no desire for them at all when I left. It is certain that your clinic is most painless and successful.

Sincerely yours in Christ,
Reverend John V. Ballard, Pastor
Shrine of the Little Flower

■ It has been 34 months since I attended your stop smoking clinic on 3/3/87 and I have not had a cigarette. After 30 years of one pack plus per day I am thrilled that I haven't wanted a cigarette at all. Thanks!!!

Very truly yours,
Lee N. Sachs, Attorney, Baltimore City

■ In response to your letter, I am proud to say that I have not returned to smoking since attending your clinic on December 15, 1980. The technique which you incorporated does work. I hope that your work continues to help many people who want to get the "monkey off their back".

Sincerely,
Father Nicholas Amato
West Baltimore

■ I would like to let you know I went to your clinic in November 1979 and I have not smoked since. Thank you for making it so easy! I still weigh 107, have no problems with nerves, etc. I don't miss it.

Thanks a million,
Gloria Dorsey

■ I have not had a smoke of any kind since the December 8, 1982 session! As you can see by my address, I drove over 90 miles one way to attend your Clinic. I do not miss tobacco! I have no desire for it! I smell and feel better than ever! I am healthier than ever! I am proud of myself and you, Mr. White, for helping me quit a terrible habit. Keep up the good work!

Sincerely,
Lester A. Potteiger, Fredericksburg, VA

■ I am very happy to say that I have not smoked or desired to smoke a cigarette since I attended on April 26, 1984. I think it was one of the nicest things I gave myself. Also, because of my success. my son and two daughters attended and were also 100% successful. Thanks again and keep up the good work!

Sincerely,
Regina McAteer, Bradshaw, MD

■ In May 1986, I attended your clinic (expecting nothing—neither success nor failure), because I had heard of six people who had found it worked for them. I had been a 2½ pack a day smoker for years, even 2 years after lung surgery for suspected cancer, which was fortunately benign. I would like to see a stop put to a false rumor which is constantly repeated and which holds back smokers from seeking help. That falsehood is "you must want to quit to succeed." I didn't want to quit. I never met a smoker who wanted to quit! I only knew that I should quit. That's good enough. My 3½ smokeless years can testify to that.

Shirley Bowmaker, Baltimore, MD

■ Well, it's 10 years and I will always be grateful to the Baltimore County Smoking Clinic for enabling me to break a three pack a day habit of more than 20 years. My doctor reported that my lungs had returned to 95% capacity within just the first 6 months. Again, many thanks.

Very truly yours,
Charlie Allen, Waverly, MD

■ Matt Seiden, columnist for the *Baltimore Sun*, published in his column his complete success, also the success of the eleven others who attended with him.

■ The last cigarette I smoked was waiting to go into your session. That was almost 9 years ago. You may add my name to your "Hall of Fame". I pray it might possibly influence someone.

Sincerely,
Nova D. Saggese, Hamilton, MD

■ Since April 1984, I continue to tell people about your program. They have to come a long way from D.C. to get to you, but I hope they make that important first trip. Thank you for your help.

Prudence Kestner, Knoxville, MD

■ As a birthday gift, my wife took me to your Clinic on September 1, 1981. At that time, I smoked a pipe from the time I arose in the morning until I retired at night. I was skeptical about the Clinic helping pipe smokers. I smoked right up to my entering the door of the class. I am the most surprised person of all that I have not smoked since.

Sincerely yours,
James Sexton, Jr.
A. Jim Sexton Associates, Ltd., Silver Springs, MD

■ I'm so happy I quit when I did. It's probably easier to quit after a stroke or heart attack but then some damage is already done. I have enjoyed my 13 years without smoking and often thank you for them.

Best Wishes,
Joe Barnickel, Jr., Parkville, MD

■ Just to let you know how my husband is doing. On November 1, 1983, he came with a positive attitude, he wanted to quit for himself. He tried hypnosis twice before, but this time he finally quit. With the Lord's help and yours, he is not addicted anymore.

Gratefully yours,
Mrs. William P. Dick, York, PA

■ I have not smoked since July 1, 1981, when I took your session. I was a two pack a day smoker. Besides the obvious health factors, think of the thousands of dollars I've saved.

Sincerely,
Richard R. Cassidy, Baltimore, MD

■ Prior to September 1, 1981, I had spend several hundred dollars, hopefully trying to break and completely stop poisoning my system as a four pack per day smoker. As my very last alternative and hope as a sufferer of emphysema and chronic bronchitis, the Baltimore County Smoking Clinic did what I couldn't achieve, i.e., quit. I haven't placed a cigarette into my mouth since that grand evening of September 1, 1981. Thanks to your remarkable program.

Major Clarence E. Roy
Baltimore City Police Department

1976 Henry Schmidt, Parkville, MD
09/83 Nancy Ay, Monkton, MD
1982 Betty Grant, Aberdeen, MD
08/83 Sheila Ledwell, Essex, MD
1981 Shirley Seadler, Lanham, MD
05/88 Brenda Cotterino, Hampstead, MD
04/79 John Martin, Washington, DC
08/83 Victor G. Stein, Jr., Overlea, MD
1986 Libby Aaronson, Mt. Washington, MD
05/87 Doris Edwards, Parkville, MD
09/82 William Stair, Franklin, MD
09/87 Kathy Brandon, Perry Hall, MD
08/79 M. Griffin, Druid Hill, MD
05/82 Mr. & Mrs. John Shircliff, Cockeysville, MD
04/87 Sonia Hartmann, Havre de Grace, MD
09/83 Charlene Phillips, Bel Air, MD
02/84 George Ford, Edgewater, MD
07/88 Betty Ann Hass, Finksburg, MD
02/88 Arnie Cox, Dundalk, MD
04/89 Barbara Mendelsohn, Mt. Washington, MD

03/88 Margaret Balster, Kingsville, MD
1981 Francis L. Dietz, Brooklyn, MD
1986 Joseph Konitzer, Pasadena, MD
06/85 Mae Brown, Winchester, VA
05/90 Bob Jenkins, Crownsville, MD
02/90 Elizabeth Radebaugh, Cockeysville, MD
04/80 Patricia Bailey, Owings Mills, MD
10/89 Sharon Hoffman, Reisterstown, MD
05/86 Avis Tierney, Baltimore, MD
11/83 Gloria Douglass, Baltimore, MD
05/90 William Selva, Clifton, MD
1986 John Diakoulas, Timonium, MD
04/84 William Daxzen, Govans, MD
06/80 William Miller, Highlandtown, MD
04/81 Judith Nichols, Baltimore, MD
04/81 Paul Myers, Baltimore, MD
1980 Josephine Sell, Baltimore, MD
04/82 Brenda Williams, Cedonia, MD
10/82 E. Chris Buppert, Columbia, MD
02/80 Elizabeth Radebaugh, Cockeysville, MD

10/79 Jim Quigley, Perry Hall, MD
05/80 Bob Jenkins, Crownsville, MD
07/81 Shirley Seadler, Lanham, MD
02/82 Betty Grant, Aberdeen, MD
10/81 Sharon Hoffman, Reisterstown, MD
03/90 Pat Skinner, Timonium, MD
10/82 Mr. & Mrs. John Shircliff, Cockeysville, MD
04/82 Harry M. Rice, Cedonia, MD
03/81 Barbara L. Jones, Milton, DE
03/87 Cindy S. Seebach, Timonium, MD
12/87 Sheila Nathanson, Pittsburgh, PA
11/81 Leonard Samuels, Bowie, MD
08/81 Dick Coffey, Millers, MD
07/85 Joyce Holt, Westinghouse Electric
03/84 Lillian L. Bolden, Owings Mills, MD
07/78 Katherine O'Loughlin, Baltimore, MD
05/78 Edward Lavenstein, Mt. Washington, MD
01/79 Barbara Lauer, Dundalk, MD
04/84 Regina McAteer, Bradshaw, MD

"HUNDREDS MORE"

A MESSAGE FROM OUR DIRECTOR:

Well known psychologist, Dr. Malvin Gelof, worked with me for more than a year and a half in fine tuning our two-session stop smoking program. His expertise in the field of hypnosis and behavior changing science is the cornerstone of our success. We believe if you are having thoughts that you should stop smoking, these thoughts are part of your early warning system. Please take these warning thoughts seriously. You are faced with making a health—and possibly a life—saving decision. Most of the people who wrote the previous testimonials took our full program by using the second session, they are urging you to do the same. Of course, before many of them made their appointments they were hesitant. That is understandable. However, they did it and are reaping the rewards daily. Our clinic specializes in short-term intervention generating life long benefits. When you want to attend—call us.

Mr. James L. White

HOW SUCCESSFUL IS THE CLINIC?

- Channel 11 - WBAL-TV's investigative reporter, Lisa Salters, filmed a documentary on the clinic which aired six weeks later during the "11 O'Clock News". It was reported that everyone she interviewed had not smoked during that time.
- I was in a high pressure job, running my retail pharmacy twelve hours a day. As a last resort I came to the clinic. I walked out of your place and never had a desire to pick up a cigarette again. And I attribute this program to the success of my smoking cessation. I truly believe it saved my life. I think all smokers owe it to themselves to attend.
- Dr. E. D. Sears, owner Kingsville Pharmacy.
- *Baltimore Sun* columnist Mr. Matt Seiden attended with eleven others, he published in his column that ten of the twelve stopped smoking including himself.
- Nine City Desk employees attended as a corporate group, they published an article which stated seven out of nine stopped smoking. Our follow-up to these two clinics indicated three of the four who did not stop refused the second session eleven of the seventeen who quit smoking attended the second session.

*Call for a
FREE Video!*

WHAT IS HYPNOSIS?

Inside every person there is a motivating force that controls the body. This force is the unconscious self—the part of you that does everything necessary to keep the body and mind going. Unfortunately, when a part of the body gets sick or is in distress, the unconscious self wants to forget about it, as though the problem doesn't exist. This leaves the problem to be solved by the conscious you. What you have, then, is an extremely powerful force inside you capable of performing the most amazing feats—but with no direction Hypnosis is nothing more than 'you' talking to 'you' through an interpreter—the hypnotist—who tells the unconscious mind in ways it can understand what desired results are expected and how to reach the end result.

Per. #3

Baltimore County

STOP SMOKING

HYPNOSIS CLINIC



*Marylands Largest, Most Successful
Stop Smoking Hypnosis Program
Since 1975*

BALTIMORE COUNTY SMOKING CLINIC
8910 HARFORD ROAD
BALTIMORE, MARYLAND 21234
(410) 661-1111

LOCATED ON ROUTE 147,
3 BLOCKS OFF THE BALTIMORE BELTWAY,
ROUTE 695, EXIT 31, SOUTH PARKVILLE

— OPEN TO EVERYONE —

CAN I BE HYPNOTIZED?

Yes, you can be . . . if it is the right time . . . in the right atmosphere . . . with the right person . . . and for a good personal reason. Your ability to carry through with hypnotic suggestions depends on the skill of the hypnotist, the methods used to induce hypnosis and the suggestions given.

ABOUT THE CLINIC:

We have a stimulus-free room with Lazy-Boy recliners, each with its own blanket and pillow. Recliners are equipped with individual stereo speakers, using these speakers, you are assured of receiving every suggestion given by the hypnotist. Hypnosis is a state of total and complete relaxation; We give you the very best opportunity to relax fully by helping you be as comfortable as possible.

TO INDUCE HYPNOSIS:

We use a very soft strobe light and provide you with special filtering glasses to enhance the light's effectiveness. Watching the strobe light is optional; however, using this method the mind easily enters the alpha state where hypnosis takes place. This is state-of-the-art technology giving you the best opportunity for success.

NOTE:

All fees are per person and include two one-and-one-half-hour sessions. The second session offers a completely different hypnotic experience, providing reinforcement and alternative strategies to the initial approach. This back-up session is highly recommended to ensure the best possible result.

WHAT ABOUT WEIGHT GAIN?

The chances are you will gain between one and seven pounds. For best results, suggestions for weight are given at your second session, in order to focus on stopping smoking at the first session.

WHAT IF I CONTINUE TO GAIN WEIGHT AFTER THE SECOND SESSION?

This happens occasionally. We offer an ongoing stress and weight program. Smoking is a behavior that can be brought to extinction. Eating is a behavior that can be altered, the methods used are different. For you hypnosis may best help by maintaining current weight. Attending a couple of times over the first several months should be all the help you need. It is easier to maintain weight than it is to lose it once gained. The fee is \$15.00 per one hour group session. Do what ever you need help you succeed.

WILL THERE BE SIDE EFFECTS?

Tobacco smoke is a stimulant. If you smoke more than 1 1/2 packs per day, you may notice a little light-headedness, or you may feel a bit tired or sluggish. This feeling should not last longer than ten days.

SMOKING AND HYPNOSIS

Your thoughts play a role in the body's early warning system. When the body develops a problem not accompanied by pain the only way to signal the conscious mind is through thought. Have you ever thought, "smoking is killing me"?

Many people associate smoking with the mouth, throat and lungs only. Tobacco smoke affects every muscle, nerve and fiber of the body. Scientific experts believe that, cigarette smoke contains 2,137 compounds, 32 different gasses and low level radiation. After smoking 20 cigarettes a day for two years, the body has started with coronary artery disease, cardiovascular disease and light forms of emphysema. Furthermore, smoking affects the digestion so much so that you cannot use the full nutrition of the food you eat.

Hypnosis, doesn't make you do anything, is a technique that enables you to accomplish your goals.

APPOINTMENT INFORMATION

There are no guarantees with hypnosis, for no one truly knows how it will be for you. Clinic times are from 9:00 p.m. until 10:30 p.m. Be at least 30 minutes early in order to register. You should avoid wearing contact lenses unless they're the type you do not have to remove daily. Dress casually in light clothing. You have one month to take the free second session which is held every Thursday from 6:30 p.m. until 8:00 p.m. No additional appointment necessary to attend this session. Presently, there is a _____ week waiting period for an appointment. We require a \$35 non-refundable deposit payable by credit card or check when you make your appointment. The balance, \$100, is payable by cash or credit card only the night of your appointment. There will be an additional 4% fee if you use a credit card to pay the balance. When two or more people make their appointments and attend together, the total fee is \$105 per person. Some insurance companies apply our fee towards their deductible. All Maryland state, county and city government employees, also Medicare and Medical Assistance recipients total fee \$85. Blue Cross will reimburse insured Federal employees \$100 after they take the second session. Everyone is entitled to the benefits of this clinic, you do not have to be a Maryland resident to attend. There is ample parking on the premises.

**Fees subject to change without notice*

EXAMPLE #1

Photo #9

EXAMPLES OF
located at
8910 Hartford Road
CASE# 97-396-SPHA ✓

wheelchair
lift is in
blind spot directly
behind this
Building.

View taken from Hartford Road looking west on front of the
business. No landscaping - paved with oft set back.
Note: Building in back is a residential home.

Location of
wheelchair lift
unsafe.

Access from
Edgewood
Avenue.

View from Edgewood Avenue looking East towards Hartford Road.
(Behind business) Note no landscaping

graded lawn
is from this point
'down.

landscaping
in the business
next door.

Curb that is
driven over for
parking.

View from Hartford Road looking North west.

Visual Preference Study Examples #2

What the community does not want to see

Plot #11



View of Baltimore Smoking Clinic. Paved entire lot no landscaping



View of Baltimore Smoking Clinic back parking lot. Looking ~~North~~ West at home behind business. Note no buffer or landscaping between business and residential.

Visual Preference Study Examples #3

What the community does want to see

Photo #10

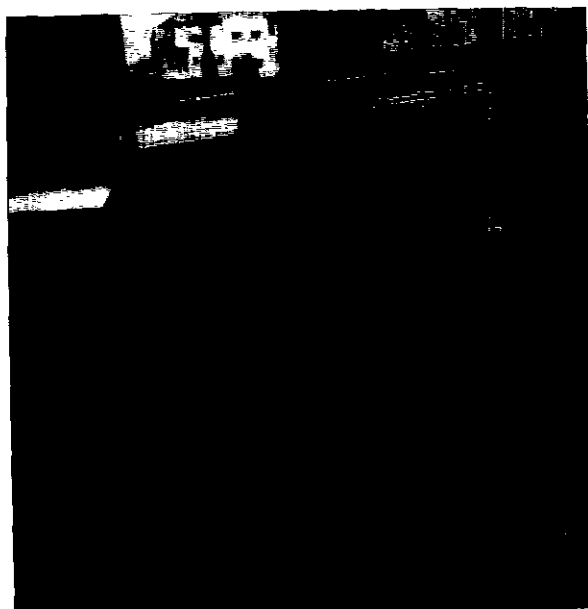


Example of what can be done with landscaping. Business located on Hartford Road and Texas Ave.



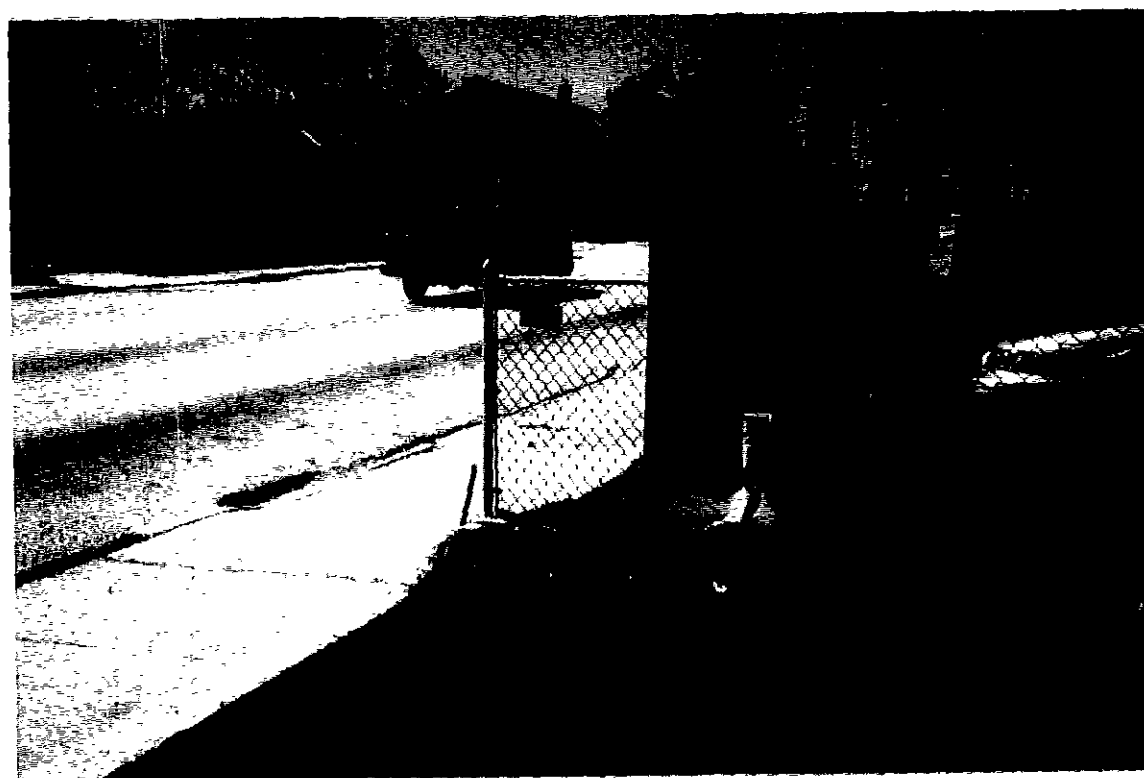
Example of business located on Hartford Road.





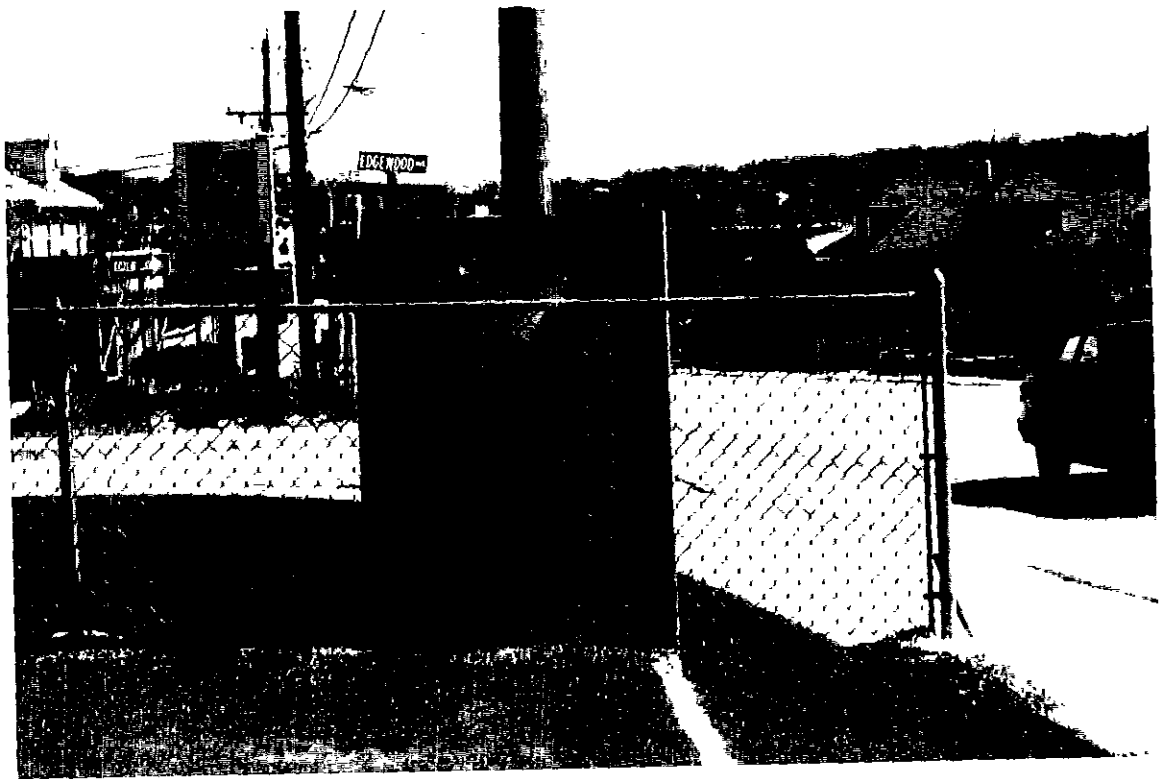












County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Address Service Requested

Case # 97-396-SPHA
White

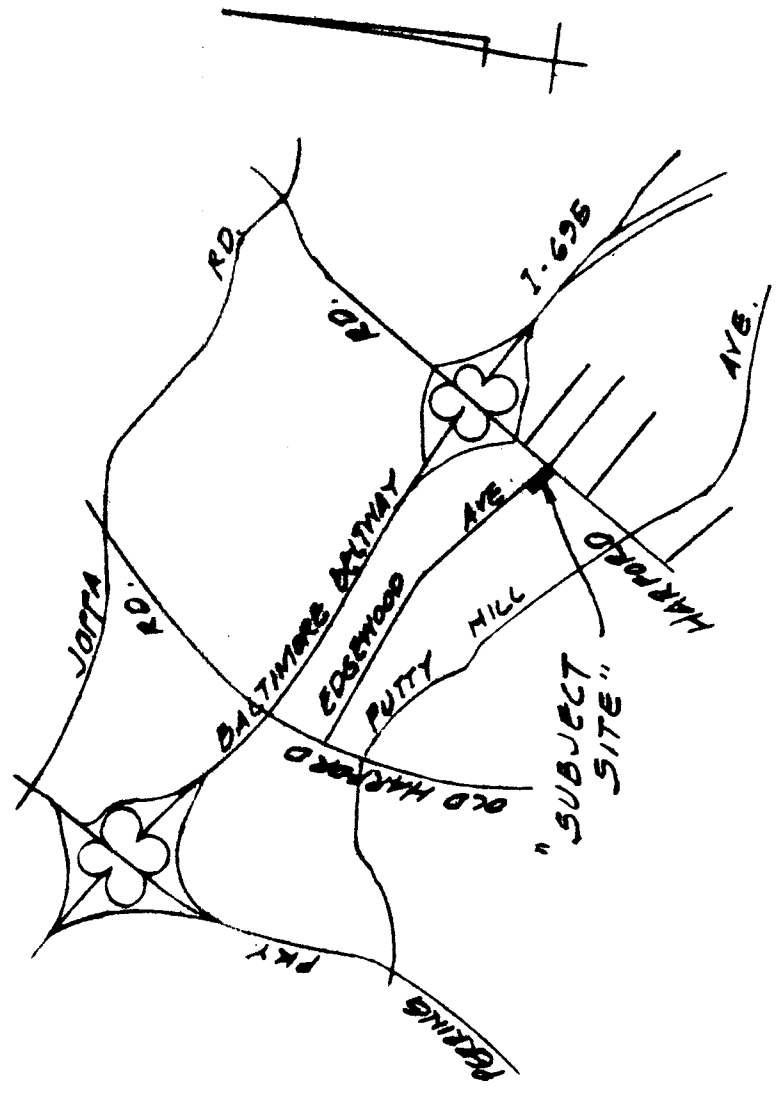
Protestants' # 1-8 (8 photos)











LOCATION PLAN
SCALE: 1"=2000'

1. AREA OF PROPERTY = 5,939.75 SF (0.136 AC.) - GRASS - 9,392.85 SF (0.212 AC.)
2. EXISTING ZONING OF PROPERTY = "RO"
3. EXISTING USE OF PROPERTY = "RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY = "RO"
5. PROPOSED ZONING OF PROPERTY = "GENERAL OFFICES - CLASS A - HYPODOL"
6. REQUIRED OFF-STREET PARKING:
 1. EX. 1ST FLOOR = 1,920.5 SF @ 33/1000 = 4.36
 2. EX. 2ND FLOOR = 875.5 SF @ 33/1000 = 2.69
 3. EX. BASEMENT = 875.5 SF (STORAGE) = 0.0
 4. EX. 2 CAR GARAGE = 404.5 SF = 0.0
 5. TOTAL NUMBER PARKING SPACES REQUIRED = 7.05 = 8.0
7. NUMBER OF PARKING SPACES SHOWN: 8-2 CAR. = 10.0
8. PETITIONER REQUESTING A SPECIAL HEARING TO DETERMINE IF A HYPODOL OFFICE IS CONSIDERED GENERAL OFFICES AND NOT A MEDICAL OFFICE AND IS PERMITTED IN A "RO" ZONE.
9. IN THE ALTERNATIVE THAT THE COMMISSIONER DETERMINES THAT THE REQUESTED USE IS MEDICAL, PETITIONER IS REQUESTING A VARIANCE TO PERMIT THE USE OF 100% OF THE OFFICE SPACE IN LIEU OF THE PERMITTED 25% AND TO PERMIT 81.5' IN LIEU OF THE REQUIRED 101.5'.
10. PETITIONER REQUESTING A VARIANCE TO SET 409.8 A. AND 284.3 G. I OF THE DEER TO PERMIT A 0' SETBACK FOR PARKING AREA FROM A ROAD.
11. A FREE STANDING SIGN OF 96.5 F (48.3 F/FACE) IN LIEU OF THE PERMITTED 30.9 F (15.5 F/FACE). A VARIANCE OF 66.5 F.
12. LANDSCAPING WILL CONFORM WITH THE LANDSCAPE MANUAL TO THE EXTENT POSSIBLE.
13. NO ZONING HISTORY ON SUBJECT PROPERTY.
14. BALTIMORE COUNTY ZONING MAP NC.9D.

97-346
SPHA

PLAT TO ACCOMPANY PETITION
FOR

SPECIAL HEARING & VARIANCES
*8910 HARFORD ROAD

ELECT. DIST. DC6 BALTIMORE COUNTY, MD.
SCALE: 1"=20' MARCH 19, 1997

PETITIONER'S
EXHIBIT NO. 1

OWNER:

JAMES WHITE

3219 TEXAS AVENUE

BALTIMORE, MARYLAND 21234

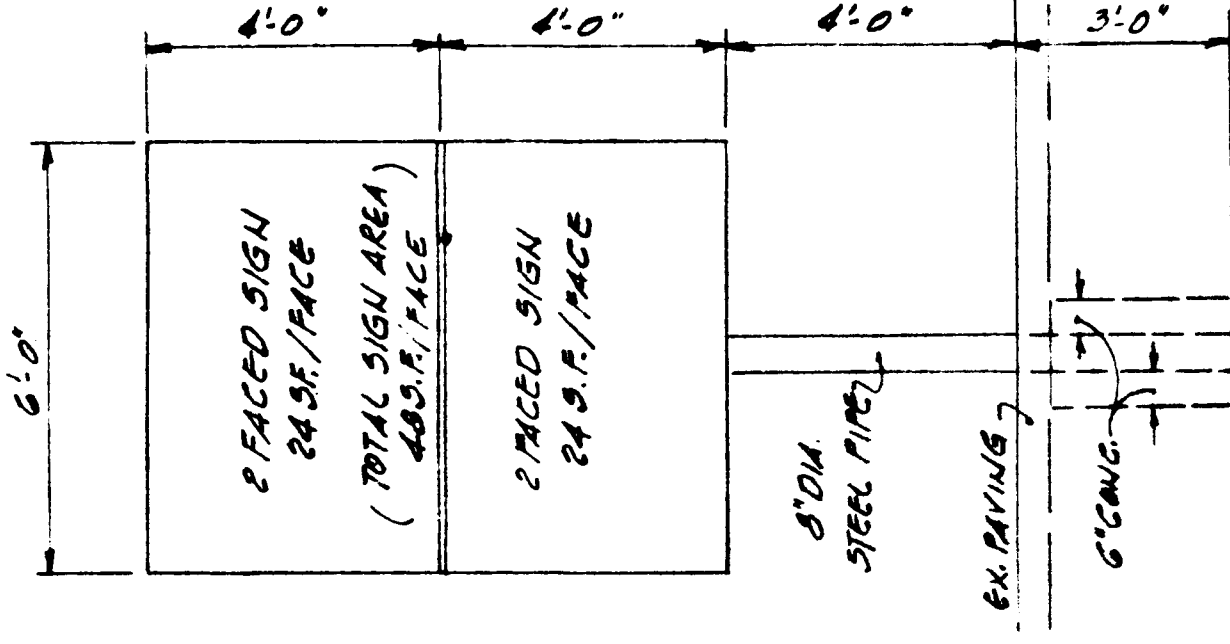
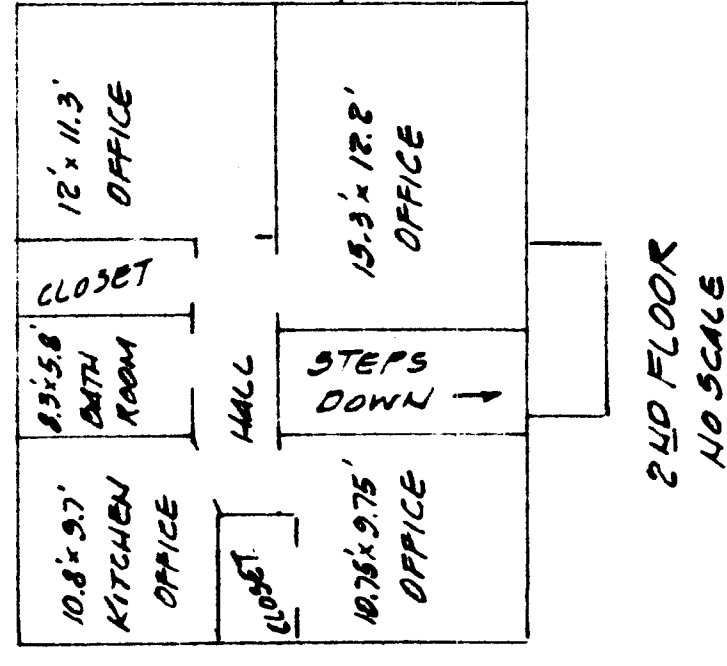
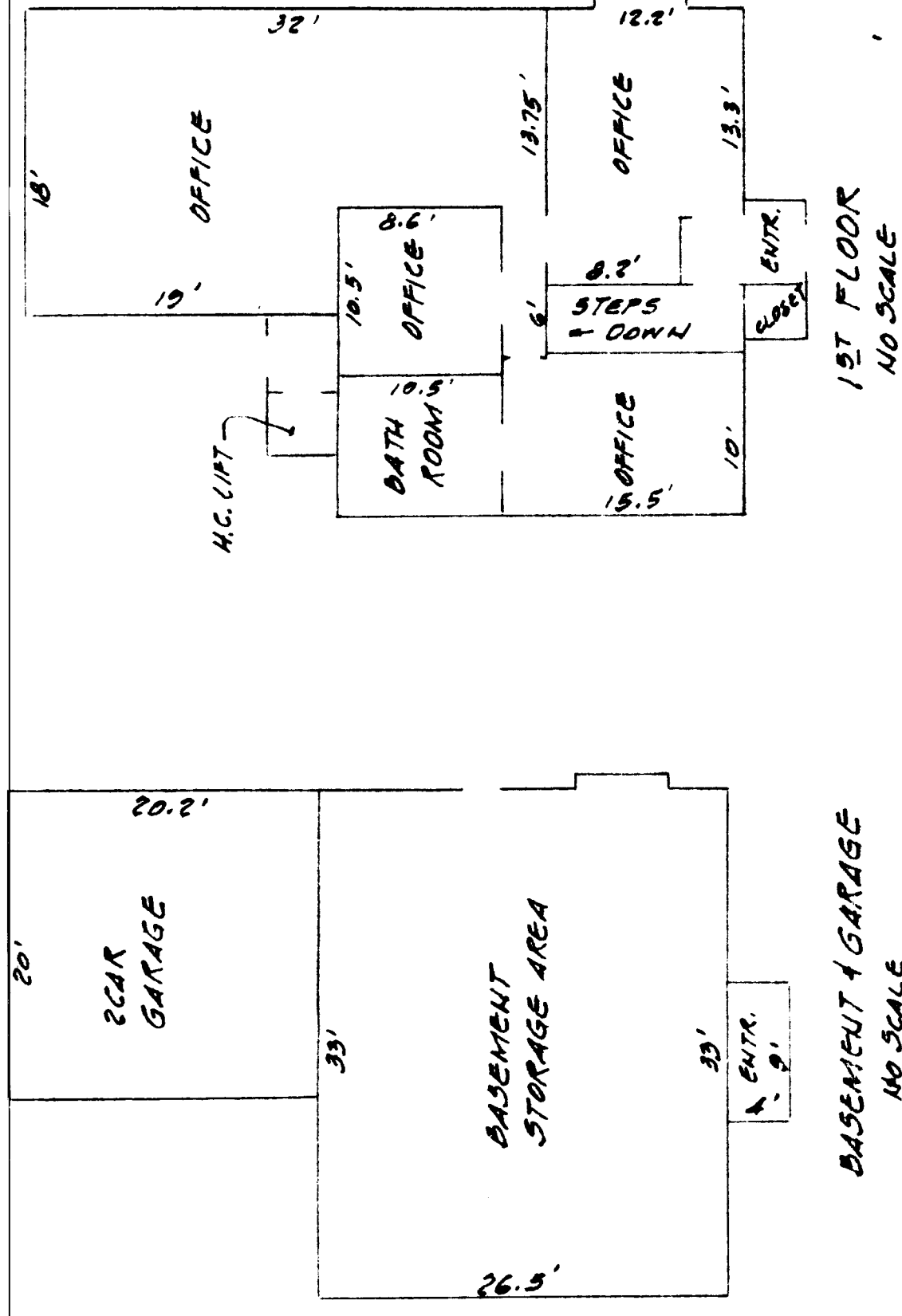
ENGINEER:

PAUL LEE ENGINEERING, INC.

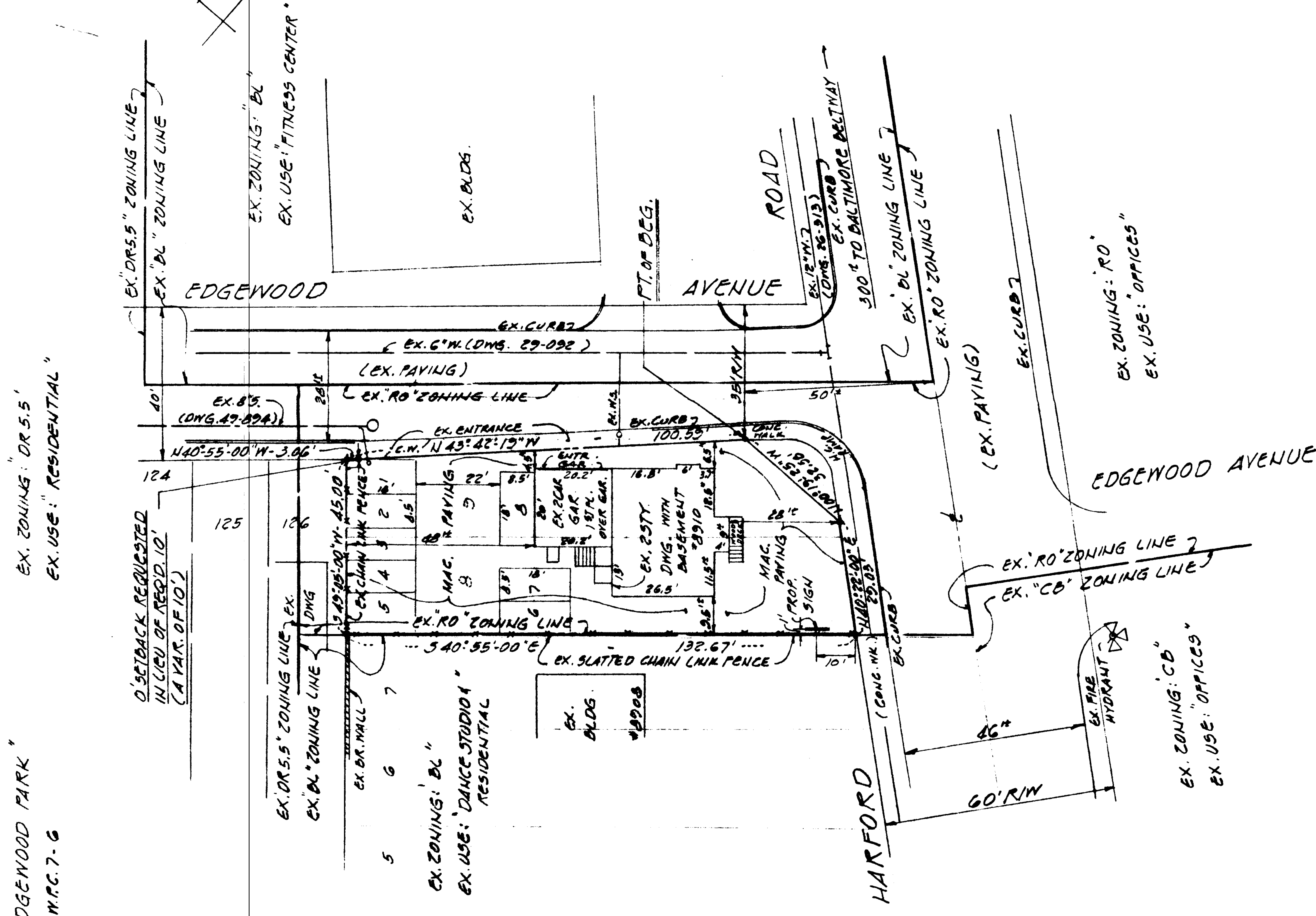
304 M. PENNSYLVANIA AVENUE

TOMSON, MARYLAND 21204

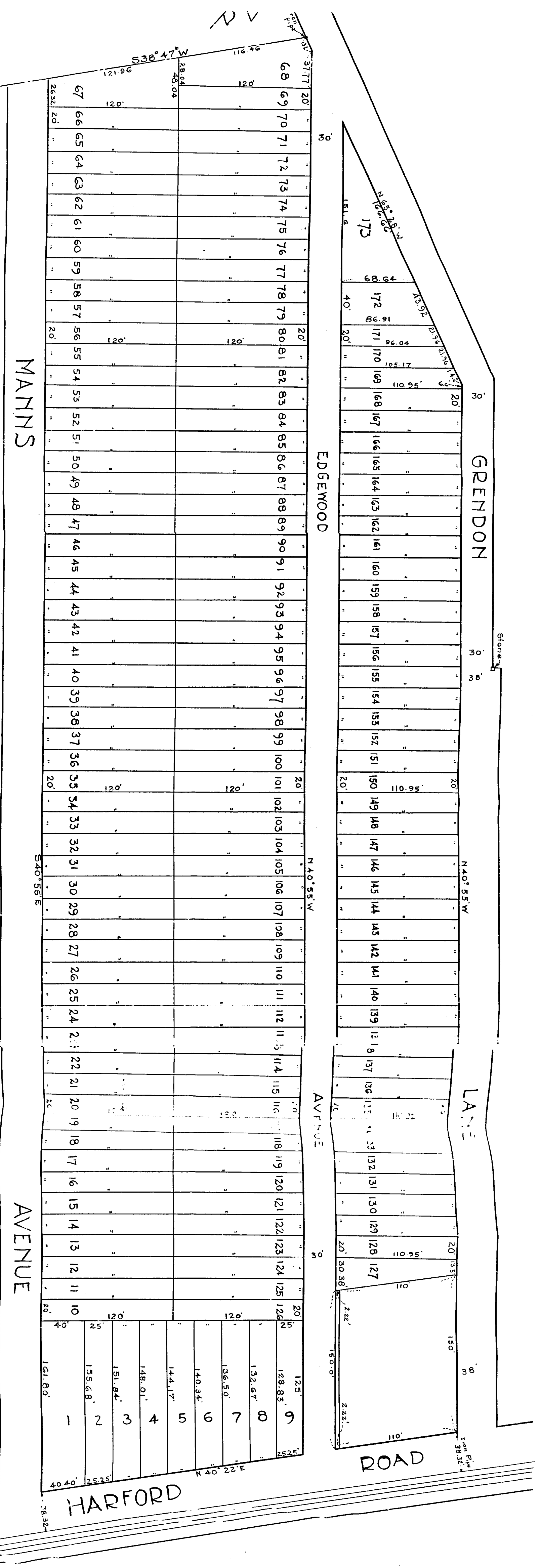
316



SIGN DETAIL
NO SCALE



Asurveyed



SURVEY AND SUBDIVISION
BY
J. SPENCE HOWARD
CIVIL & CONSULTING ENGR
BALTO, MD.
MAY 1922
SCALE: 1"=60'

Filed for record

"EDGEWOOD PARK"
C. EDGAR WOOD
OWNER AND SUBDIVIDER

ST. LUCAS
SCHOOL

IN THE MATTER OF THE
THE APPLICATION OF
JAMES WHITE -PETITIONER
FOR A SPECIAL HEARING AND
VARIANCES ON PROPERTY LOCATED
ON THE SOUTH CORNER EDGEWOOD
AVENUE, WEST SIDE HARFORD RD
(8910 HARFORD ROAD)
9TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

OPINION

This case comes to the County Board of Appeals of Baltimore County based on an appeal from a decision of the Zoning Commissioner in which a Petition for Special Hearing was granted; Petition for Variance dismissed in part as moot; and granted in part with restrictions by the Zoning Commissioner. It is specifically noted that this appeal before the Board is as to Restriction No. 2 only as imposed by the Zoning Commissioner.

A public hearing was conducted by the Board on Tuesday, December 30, 1997 at 10:00 a.m. The Appellant /Petitioner, James White, appeared pro se. Protestants also appeared in proper person, without counsel. The Chairman explained that in the absence of counsel the proceedings would be conducted in an informal fashion, carefully protecting, however, the individual rights of the various participants.

The Petitioner was under the impression that the appeal included issues of signage in addition to the access to his property from Harford Road. However, the Petitioner's letter in the Board's file noting the appeal of Case No. 97-396-SPHA specifically noted that the appeal was "the restriction of access from State Route 147, Harford Road."

The Petitioner testified that he had purchased the subject property in February 1996, moving there from another location several blocks north of Harford Road in proximity to the Baltimore

Case No. 97-396-SPHA James White -Petitioner 2
Beltway. Since that time he had improved the property, covering over the original open area with macadam and installing a handicapped lift on the rear side of the building. The building itself is a two-story, two garage individual property zoned R.O. in a heavily predominant B.L. zoning area. The Petitioner uses the first floor of the facility with the second story currently vacant. The basement area is utilized for storage.

Substantial testimony concerning the success of the Petitioner's practice was introduced into evidence (Petitioner's Exhibit No. 2) and a brochure explaining the nature of his "Stop Smoking Hypnotic Clinic" (Petitioner's Exhibit No. 3). At the suggestion of the Chairman, the Petitioner also requested that the entire file of the Board be admitted into evidence to which the Protestants did not state any objections (Petitioner's Exhibit No. 1), as well as the site plan from the Zoning Commissioner's file (Petitioner's Exhibit No. 4).

The basic problem area to which the Petitioner testified is the one-way traffic pattern of Edgewood Avenue. The property itself sits at the corner of Harford Road and Edgewood Avenue, with Edgewood being a one-way street progressing eastward into Harford Road. Harford Road traffic cannot turn into Edgewood, which leads into the Petitioner's rear lot. This causes vehicles to maneuver around Grendon Lane (one way westbound), making a left to get back into Edgewood (one way eastbound) to secure parking in the Petitioner's lot. Any other entry via public street requires additional travel through residential areas to get to the rear lot. Petitioner stated that the State Highway Administration had no objection to permitting entry into the property from Harford Road;

Case No. 97-396-SPHA James White -Petitioner 3
and that letter is incorporated in the Board's file.

The major thrust of the Protestants' case was one of safety and the general welfare of the community. Mr. Paul Insley, 9309 Fullerdale Avenue, expressed his concern as to both pedestrian and vehicular traffic safety. He indicated the Petitioner had placed macadam over the Harford Road curb, and was presently using Harford Road as an entry through a driveway to Petitioner's rear lot. He expressed concern over parking on the front of the property which prevented cars seeking to gain entry out of Edgewood into Harford Road which obscured Harford Road traffic, and further cited the heavy traffic flow from the Baltimore Beltway heading south to Putty Hill Road on Harford Road.

Ms. Debra Pacheco is the Petitioner's next-door neighbor, having a residence there for approximately 27 years and operating a dance studio in this facility. She recited the numerous activities in the area of both her facility and that of the Petitioner, and in particular the proximity of St. Ursula's School and the Perry Hall Middle School. On numerous occasions, she had observed cars parked in front of Petitioner's building, blocking the public pavement. Protestants' Exhibits 1, 2, 3, 4, 5, 6, 7 and 8 reflect vehicles parking on the front lot of the Petitioner facing Harford Road, and the inherent danger which the witness cited to both pedestrians and children using the pavement.

Mrs. Ruth Baisden, 707 Oak Avenue, also testified on behalf of the Protestants. While the Chairman did not permit her to speak as an officer of the association (Greater Parkville Community Council), the Chair did permit testimony on her part as a resident of the community and an individual member of the Association. She

Case No. 97-396-SPHA James White -Petitioner 4
opined as a member of the community association the basic goals of the association and the overall goals in relationship to visible preferences that they were seeking along the Harford Road corridor. Protestants' Exhibit No. 9 was admitted depicting the Petitioner's property, and reflected examples of what the community considered good examples of a positive approach to enhancing the beautification of the area, and Protestants' Exhibit No. 11 reflecting what was considered unfavorable.

Mary Ginn, 606 Horncrest Road, Towson, MD 21204, proffered essentially the testimony of Mr. Insley. Mr. Stephen Nance, 9005 Harford Road (directly across the road from the subject property), testified on behalf of the Petitioner. He has lived in the area for roughly two years and is a retired State Trooper /Accident Division. He acknowledged that Harford Road corridor traffic was excessive, and that numerous accidents had occurred in the immediate area. It was his belief, however, that the traffic situation would not be exacerbated if entrance to the Petitioner's property was made available via Harford Road. He stated that people do get confused and frequently miss the Petitioner's property because of the Edgewood Avenue traffic flow being one-way eastbound, thus not permitting easy access to the Petitioner's rear lot. He also stated the difficulties relative to such customers having to walk through residential streets frequently, without benefit of pavement.

Because of the narrow nature of Petitioner's appeal, this Board is required only to consider Condition #2 of the Zoning Commissioner's Order of June 11, 1997, which essentially was the requirement that the Petitioner remove a minimum of 5 feet of

Case No. 97-396-SPHA James White -Petitioner 5
macadam area as to that portion of the yard between the right-of-way for Harford Road and his front yard, being replaced with a barrier or some landscaping to prohibit entry of vehicle traffic directly from Harford Road into the side.

Public deliberation was held on Friday, January 9, 1998, at 9:30 a.m. The Zoning Commissioner having found that the variances were appropriate, the only issue for the Board is one of determining whether the decision of the Zoning Commissioner was arbitrary, capricious, discriminatory or illegal or, on a "de novo" basis whether the removal of the Zoning Commissioner's restriction would be in keeping with the spirit and intent of the zoning regulations, and could be implemented without affecting the public health, safety or general welfare of the community.

Based on the testimony and evidence produced at the hearing, the Board unanimously finds that Condition #2 should be imposed as a condition of the granting of the variances. The presence of schools in the immediate area, along with visible pedestrian safety, weighed heavily in the Board reaching its conclusions. The paving of the area in question with macadam over the front of Harford Road indeed poses a severe threat to pedestrians using the sidewalk and is visibly unsafe. While the Board is sympathetic with the plight of the Petitioner, it does not consider the limited circuitous route which his customers must employ to access the rear parking area to be so onerous or that much of a hardship as to compromise the safety of individuals using the sidewalk. Additionally, the Board was convinced that the parking of vehicles in the front of Petitioner's does interfere with visibility as to the Harford Road traffic, and, additionally, was a safety issue.

Case No. 97-396-SPHA James White -Petitioner 6
For the reasons as so stated, this Board will affirm the Condition #2 restriction imposed by the Zoning Commissioner in his order dated June 11, 1997 and shall so order.

ORDER

IT IS THEREFORE this 11th day of February, 1998 by the County Board of Appeals of Baltimore County

ORDERED that Restriction #2 of the Zoning Commissioner's Order dated June 11, 1997, which is the sole issue on appeal to this Board in Case No. 97-396-SPHA, shall be affirmed and ORDERED by this Board as a condition of the granting of the relief sought by Petitioner in Case No. 97-396-SPHA; said restriction to read as follows:

2. The Petitioner shall be required to remove a minimum of 5 feet of the macadam area in that portion of the yard between the building and Harford Road. This macadam should be removed at an area easily adjacent to the right of way and should be replaced with a barrier or some landscaping to prohibit the entry of vehicular traffic directly from Harford Road onto the site.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Charles L. Marks
Charles L. Marks, Acting Chairman
Donna M. Felling
Donna M. Felling
Margaret Worrall
Margaret Worrall

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-5180

February 11, 1998

Mr. James White
3219 Texas Avenue
Baltimore, MD 21234

RE: Case No. 97-396-SPHA
James White -Petitioner

Dear Mr. White:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed order, the subject file will be closed.

Very truly yours,
Kathleen C. Bianco
Kathleen C. Bianco
Administrator

encl.

cc: Paul Lee Engineering, Inc.
Ms. Debra Pacheco
Messrs. Paul F. Insley and Robert B. Insley
Mr. Joseph Portera
Mr. John Disney
Ms. Mary E. Ginn
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director/PPM
Virginia W. Barnhart, County Attorney

IN RE: PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE Cor. S/S
Edgewood Ave., W/S Harford Road
8910 Harford Road
9th Election District
6th Councilmanic District
James White, Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Zoning Variance for the property located at 8910 Harford Road in Parkville. The Petitions are filed by James White, property owner. The Petition for Special Hearing seeks a decision from the Zoning Commissioner that a Hypnotist office is considered a general office, rather than a medical office, and is permitted by right in an R.O. zone. The Petition for Variance seeks, in part, alternate relief if the Petition or Special Hearing is denied. That is, if it is determined that a Hypnotist office is a medical office, then the Petitioner seeks a variance from Section 204.3.A.2 of the Baltimore County Zoning Commissioner (BCZR) to permit use of 100% of the building as a medical office in lieu of the permitted 25%, and also variance relief from Section 409.6.A.2 of the BCZR to permit 8 parking spaces in lieu of the required 10 spaces. Other variances are also requested, irrespective of the decision regarding the Petition for Special Hearing. That portion of the variance request is from Sections 409.8.A.4 and 204.3.C.1 of the BCZR to permit a 0 ft. setback to a parking area from a road right of way in lieu of the required 10 ft. and to permit a free-standing sign of 96 sq. ft. (48 sq. ft. per face) in lieu of the permitted 30 sq. ft. All of the requested relief & subject property are more particularly shown on the site plan, received into evidence as Petitioner's Exhibit No. 1.

UNDER THE SEALING
Date 2/12/98
By [Signature]

- Channel 11 - WBAL-TV's investigative reporter, Lisa Salters, filmed a documentary on the clinic which aired six weeks later during the "11 O'Clock News". It was reported that everyone she interviewed had not smoked during that time.
- I was in a high pressure job, running my retail pharmacy twelve hours a day. As a last resort I came to the clinic. I walked out of your place and never had a desire to pick up a cigarette again. And I attribute this program to the success of my smoking cessation. I truly believe it saved my life. I think all smokers owe it to themselves to attend.

• Nine City Desk employees attended as a corporate group, they published an article which stated seven out of nine stopped smoking. Our follow-up to these two clinics indicated three of the four who did not stop refused the second session eleven of the seventeen who quit smoking attended the second session.

Inside every person there is a motivating force that controls the body. This force is the unconscious self—the part of you that does everything necessary to keep the body and mind going. Unfortunately, when a part of the body gets sick or is in distress, the unconscious self wants to forget about it, as though the problem doesn't exist. This leaves the problem to be solved by the conscious you. What you have, then, is an extremely powerful force inside you capable of performing the most amazing feats—but with no direction . . . Hypnosis is nothing more than 'you' talking to 'you' through an interpreter—the hypnotist—who tells the unconscious mind in ways it can understand what desired results are expected and how to reach the end result.

STOP SMOKING

BALTIMORE COUNTY SMOKING CLINIC
8910 HARFORD ROAD
BALTIMORE, MARYLAND 21234
(410) 661-1111

— OPEN TO EVERYONE —

Yes, you can be . . . if it is the right time . . . in the right atmosphere . . . with the right person . . . and for a good personal reason. Your ability to carry through with hypnotic suggestions depends on the skill of the hypnotist, the methods used to induce hypnosis and the suggestions given.

We have a stimulus-free room with Lazy-Boy recliners, each with its own blanket and pillow. Recliners are equipped with individual stereo speakers, using these speakers, you are assured of receiving every suggestion given by the hypnotist. Hypnosis is a state of total and complete relaxation; We give you the very best opportunity to relax fully by helping you to be as comfortable as possible.

We use a very soft strobe light and provide you with special filtering glasses to enhance the light's effectiveness. Watching the strobe light is optional; however, using this method the mind easily enters the alpha state where hypnosis takes place. This is state-of-the-art technology giving you the best opportunity for success.

NOTE: All fees are per person and include two one-and-one-half-hour sessions. The second session offers a completely different hypnotic experience, providing reinforcement and alternative strategies to the initial approach. This back-up session is highly recommended to ensure the best possible result.

The chances are you will gain between one and seven pounds. For best results, suggestions for weight are given at your second session, in order to focus on stopping smoking at the first session.

This happens occasionally. We offer an ongoing stress and weight program. Smoking is a behavior that can be brought to extinction. Eating is a behavior that can be altered, the methods used are different. For you hypnosis may best help by maintaining current weight. Attending a couple of times over the first several months should be all the help you need. It is easier to maintain weight than it is to lose it once gained. The fee is \$15.00 per one hour group session. Do what ever you need help you succeed.

Tobacco smoke is a stimulant. If you smoke more than 1 1/2 packs per day, you may notice a little light-headedness, or you may feel a bit tired or sluggish. This feeling should not last longer than ten days.

Your thoughts play a role in the body's early warning system. When the body develops a problem not accompanied by pain the only way to signal the conscious mind is through thought. Have you ever thought, "smoking is killing me"?

Many people associate smoking with the mouth, throat and lungs only. Tobacco smoke affects every muscle, nerve and fiber of the body. Scientific experts believe that, cigarette smoke contains 2,137 compounds, 32 different gasses and low level radiation. After smoking 20 cigarettes a day for two years, the body has started with coronary artery disease, cardiovascular disease and light forms of emphysema. Furthermore, smoking affects the digestion so much so that you cannot use the full nutrition of the food you eat.

Hypnosis, doesn't make you do anything, is a technique that enables you to accomplish your goals.

• wheelchair
left is in
blind spot directly
behind this
Building.

View taken from Hartford Road looking west on front of the
business. No landscaping - paved with dirt set back.
Note: Building in back is a residential home.



Location of wheel chair left unsafe.

Access from
Edgewood
Avenue.

View from Edgewood Avenue looking East towards Hartford Road.
(Behind business) Note no landscaping



- landscaping in the business next door.

Curb that is
driven over for
parking.

View from Hartford Road looking North west.

view of Baltimore Smoking Clinic. Paved entire lot no landscaping

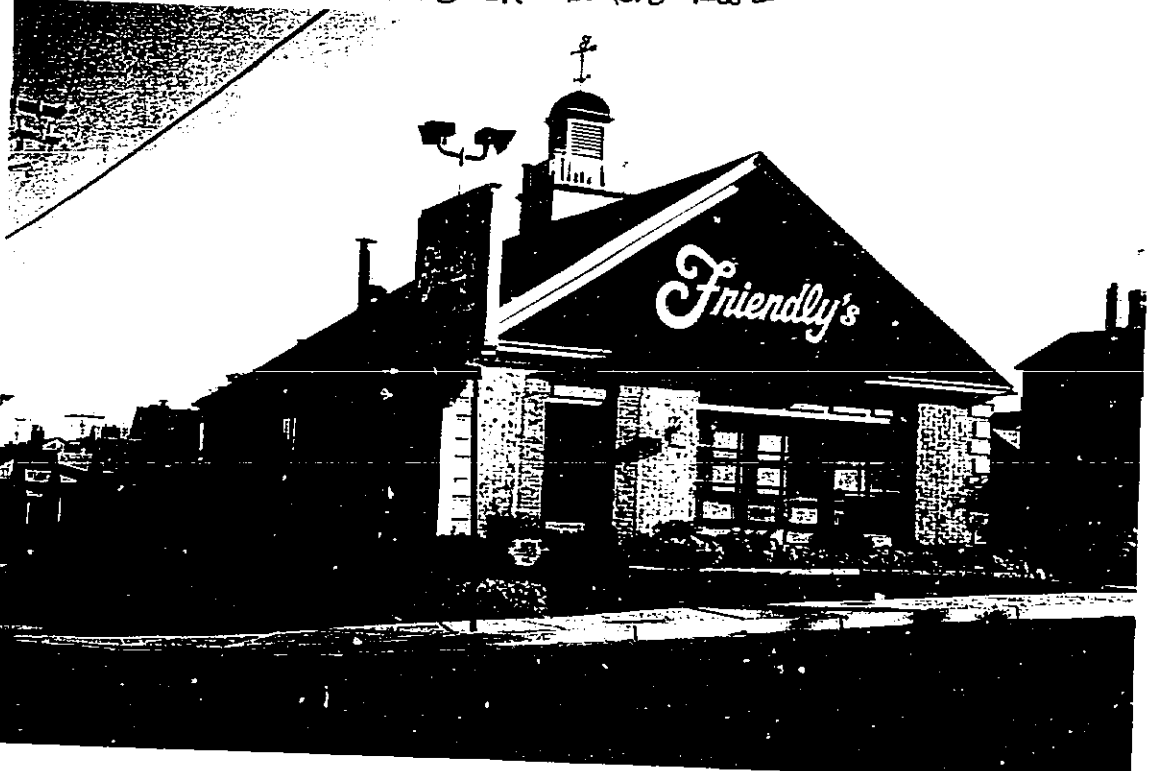


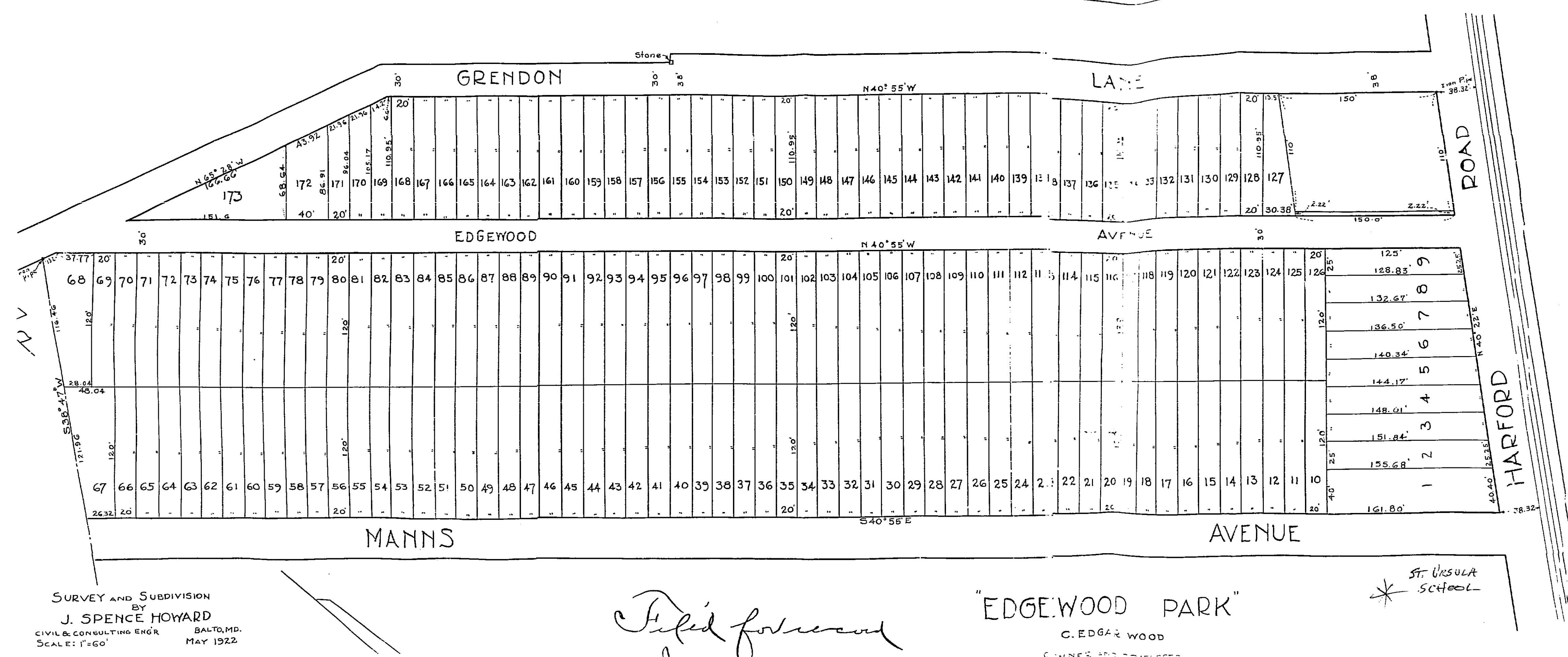
View of Baltimore Smokey Chini back parking lot. Looking
NW at home behind business. Note no buffer or
landscaping between business and residential.

Example of what can be done with landscaping. Business located on Hartford Road and Texas Ave.



Example of business located on Hartford Road





IN THE MATTER OF THE
THE APPLICATION OF
JAMES WHITE -PETITIONER
FOR A SPECIAL HEARING AND
VARIANCES ON PROPERTY LOCATED
ON THE SOUTH CORNER EDGEWOOD
AVENUE, WEST SIDE HARFORD RD
(8910 HARFORD ROAD)
9TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

OPINION

This case comes to the County Board of Appeals of Baltimore County based on an appeal from a decision of the Zoning Commissioner in which a Petition for Special Hearing was granted; Petition for Variance dismissed in part as moot; and granted in part with restrictions by the Zoning Commissioner. It is specifically noted that this appeal before the Board is as to Restriction No. 2 only as imposed by the Zoning Commissioner.

A public hearing was conducted by the Board on Tuesday, December 30, 1997 at 10:00 a.m. The Appellant /Petitioner, James White, appeared pro se. Protestants also appeared in proper person, without counsel. The Chairman explained that in the absence of counsel the proceedings would be conducted in an informal fashion, carefully protecting, however, the individual rights of the various participants.

The Petitioner was under the impression that the appeal included issues of signage in addition to the access to his property from Harford Road. However, the Petitioner's letter in the Board's file noting the appeal of Case No. 97-396-SPHA specifically noted that the appeal was "the restriction of access from State Route 147, Harford Road."

The Petitioner testified that he had purchased the subject property in February 1996, moving there from another location several blocks north of Harford Road in proximity to the Baltimore

Case No. 97-396-SPHA James White -Petitioner 2
Beltway. Since that time he had improved the property, covering over the original open area with macadam and installing a handicapped lift on the rear side of the building. The building itself is a two-story, two garage individual property zoned R.O. in a heavily predominant B.L. zoning area. The Petitioner uses the first floor of the facility with the second story currently vacant. The basement area is utilized for storage.

Substantial testimony concerning the success of the Petitioner's practice was introduced into evidence (Petitioner's Exhibit No. 2) and a brochure explaining the nature of his "Stop Smoking Hypnotic Clinic" (Petitioner's Exhibit No. 3). At the suggestion of the Chairman, the Petitioner also requested that the entire file of the Board be admitted into evidence to which the Protestants did not state any objections (Petitioner's Exhibit No. 1), as well as the site plan from the Zoning Commissioner's file (Petitioner's Exhibit No. 4).

The basic problem area to which the Petitioner testified is the one-way traffic pattern of Edgewood Avenue. The property itself sits at the corner of Harford Road and Edgewood Avenue, with Edgewood being a one-way street progressing eastward into Harford Road. Harford Road traffic cannot turn into Edgewood, which leads into the Petitioner's rear lot. This causes vehicles to maneuver around Grendon Lane (one way westbound), making a left to get back into Edgewood (one way eastbound) to secure parking in the Petitioner's lot. Any other entry via public street requires additional travel through residential areas to get to the rear lot. Petitioner stated that the State Highway Administration had no objection to permitting entry into the property from Harford Road;

Case No. 97-396-SPHA James White -Petitioner 3
and that letter is incorporated in the Board's file.

The major thrust of the Protestants' case was one of safety and the general welfare of the community. Mr. Paul Insley, 9309 Fullerdale Avenue, expressed his concern as to both pedestrian and vehicular traffic safety. He indicated the Petitioner had placed macadam over the Harford Road curb, and was presently using Harford Road as an entry through a driveway to Petitioner's rear lot. He expressed concern over parking on the front of the property which prevented cars seeking to gain entry out of Edgewood into Harford Road which obscured Harford Road traffic, and further cited the heavy traffic flow from the Baltimore Beltway heading south to Putty Hill Road on Harford Road.

Ms. Debra Pacheco is the Petitioner's next-door neighbor, having a residence there for approximately 27 years and operating a dance studio in this facility. She recited the numerous activities in the area of both her facility and that of the Petitioner, and in particular the proximity of St. Ursula's School and the Perry Hall Middle School. On numerous occasions, she had observed cars parked in front of Petitioner's building, blocking the public pavement. Protestants' Exhibits 1, 2, 3, 4, 5, 6, 7 and 8 reflect vehicles parking on the front lot of the Petitioner facing Harford Road, and the inherent danger which the witness cited to both pedestrians and children using the pavement.

Mrs. Ruth Baisden, 707 Oak Avenue, also testified on behalf of the Protestants. While the Chairman did not permit her to speak as an officer of the association (Greater Parkville Community Council), the Chair did permit testimony on her part as a resident of the community and an individual member of the Association. She

Case No. 97-396-SPHA James White -Petitioner 4
opined as a member of the community association the basic goals of the association and the overall goals in relationship to visible preferences that they were seeking along the Harford Road corridor. Protestants' Exhibit No. 9 was admitted depicting the Petitioner's property, and reflected examples of what the community considered good examples of a positive approach to enhancing the beautification of the area, and Protestants' Exhibit No. 11 reflecting what was considered unfavorable.

Mary Ginn, 606 Horncrest Road, Towson, MD 21204, proffered essentially the testimony of Mr. Insley. Mr. Stephen Nance, 9005 Harford Road (directly across the road from the subject property), testified on behalf of the Petitioner. He has lived in the area for roughly two years and is a retired State Trooper /Accident Division. He acknowledged that Harford Road corridor traffic was excessive, and that numerous accidents had occurred in the immediate area. It was his belief, however, that the traffic situation would not be exacerbated if entrance to the Petitioner's property was made available via Harford Road. He stated that people do get confused and frequently miss the Petitioner's property because of the Edgewood Avenue traffic flow being one-way eastbound, thus not permitting easy access to the Petitioner's rear lot. He also stated the difficulties relative to such customers having to walk through residential streets frequently, without benefit of pavement.

Because of the narrow nature of Petitioner's appeal, this Board is required only to consider Condition #2 of the Zoning Commissioner's Order of June 11, 1997, which essentially was the requirement that the Petitioner remove a minimum of 5 feet of

Case No. 97-396-SPHA James White -Petitioner 5
macadam area as to that portion of the yard between the right-of-way for Harford Road and his front yard, being replaced with a barrier or some landscaping to prohibit entry of vehicle traffic directly from Harford Road into the side.

Public deliberation was held on Friday, January 9, 1998, at 9:30 a.m. The Zoning Commissioner having found that the variances were appropriate, the only issue for the Board is one of determining whether the decision of the Zoning Commissioner was arbitrary, capricious, discriminatory or illegal or, on a "de novo" basis whether the removal of the Zoning Commissioner's restriction would be in keeping with the spirit and intent of the zoning regulations, and could be implemented without affecting the public health, safety or general welfare of the community.

Based on the testimony and evidence produced at the hearing, the Board unanimously finds that Condition #2 should be imposed as a condition of the granting of the variances. The presence of schools in the immediate area, along with visible pedestrian safety, weighed heavily in the Board reaching its conclusions. The paving of the area in question with macadam over the front of Harford Road indeed poses a severe threat to pedestrians using the sidewalk and is visibly unsafe. While the Board is sympathetic with the plight of the Petitioner, it does not consider the limited circuitous route which his customers must employ to access the rear parking area to be so onerous or that much of a hardship as to compromise the safety of individuals using the sidewalk. Additionally, the Board was convinced that the parking of vehicles in the front of Petitioner's does interfere with visibility as to the Harford Road traffic, and, additionally, was a safety issue.

Case No. 97-396-SPHA James White -Petitioner 6
For the reasons as so stated, this Board will affirm the Condition #2 restriction imposed by the Zoning Commissioner in his order dated June 11, 1997 and shall so order.

ORDER

IT IS THEREFORE this 11th day of February, 1998 by the County Board of Appeals of Baltimore County

ORDERED that Restriction #2 of the Zoning Commissioner's Order dated June 11, 1997, which is the sole issue on appeal to this Board in Case No. 97-396-SPHA, shall be affirmed and ORDERED by this Board as a condition of the granting of the relief sought by Petitioner in Case No. 97-396-SPHA; said restriction to read as follows:

2. The Petitioner shall be required to remove a minimum of 5 feet of the macadam area in that portion of the yard between the building and Harford Road. This macadam should be removed at an area easily adjacent to the right of way and should be replaced with a barrier or some landscaping to prohibit the entry of vehicular traffic directly from Harford Road onto the site.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Charles L. Marks
Charles L. Marks, Acting Chairman
Donna M. Felling
Donna M. Felling
Margaret Worrall
Margaret Worrall

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-5180

February 11, 1998

Mr. James White
3219 Texas Avenue
Baltimore, MD 21234

RE: Case No. 97-396-SPHA
James White -Petitioner

Dear Mr. White:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed order, the subject file will be closed.

Very truly yours,
Kathleen C. Bianco
Kathleen C. Bianco
Administrator

encl.

cc: Paul Lee Engineering, Inc.
Ms. Debra Pacheco
Messrs. Paul F. Insley and Robert B. Insley
Mr. Joseph Portera
Mr. John Disney
Ms. Mary E. Ginn
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director/PPM
Virginia W. Barnhart, County Attorney

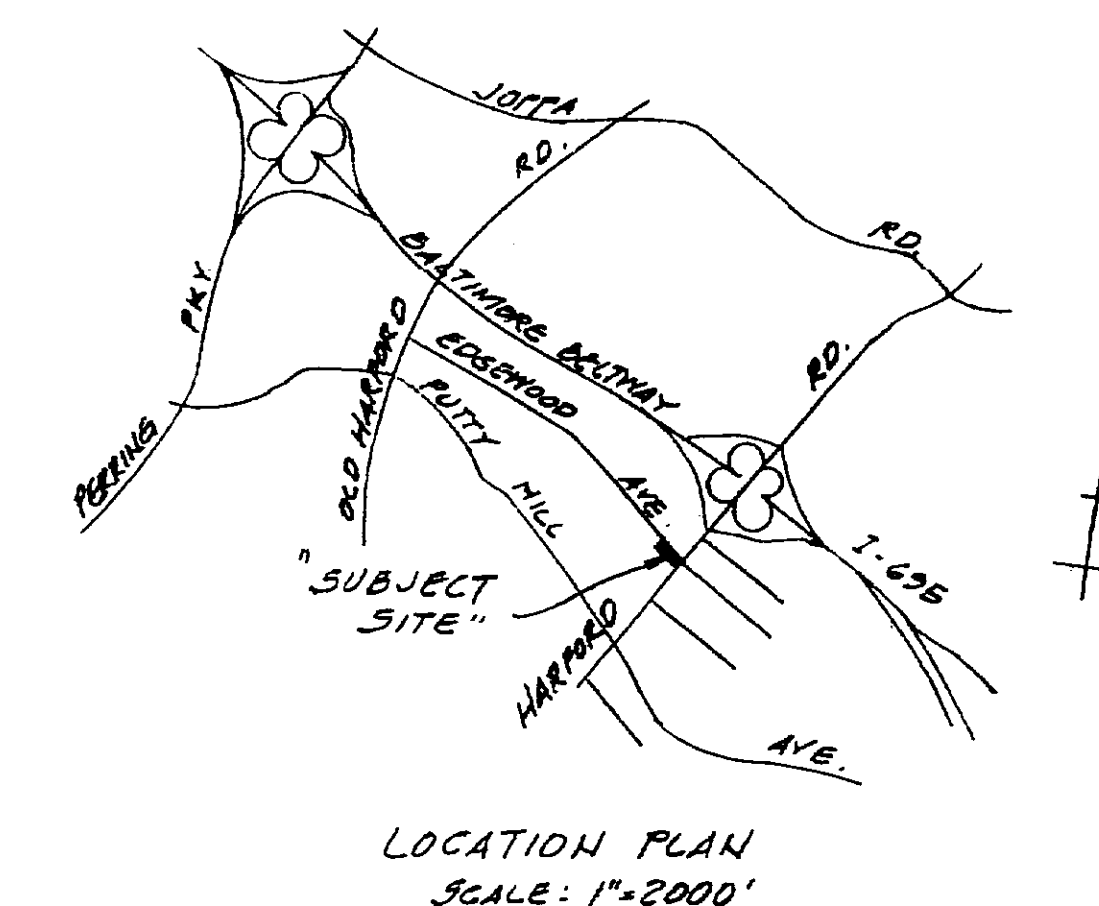
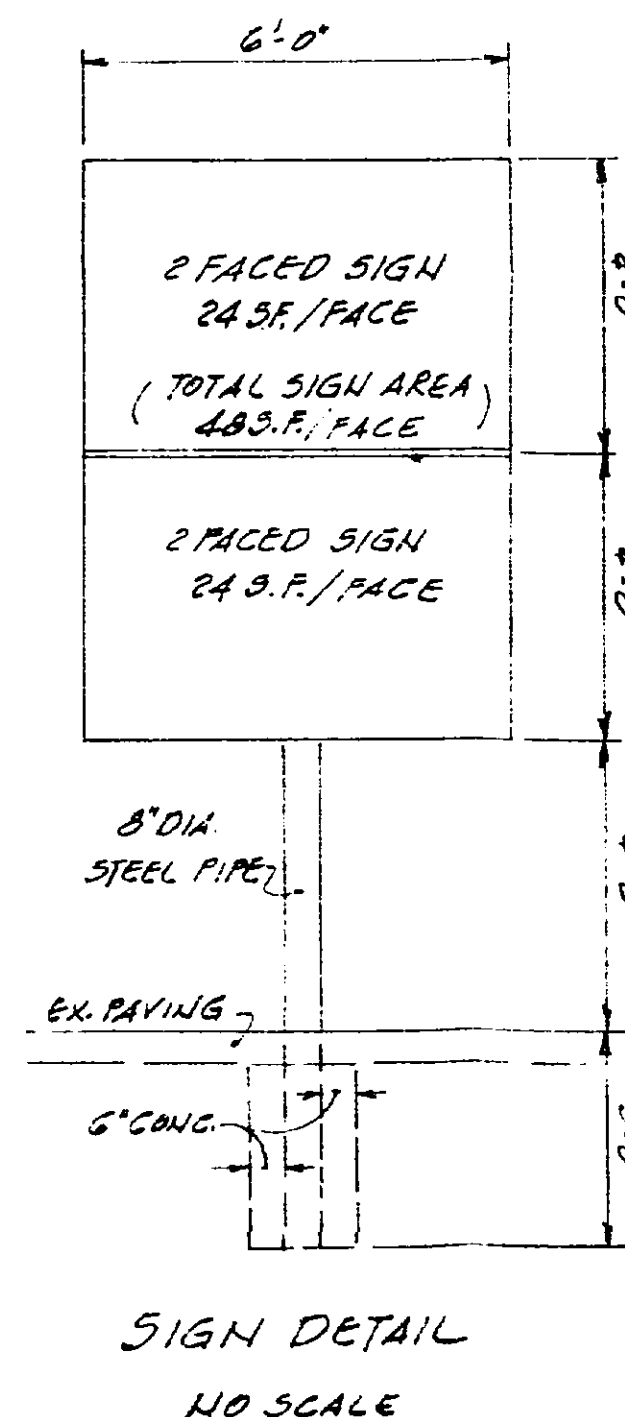
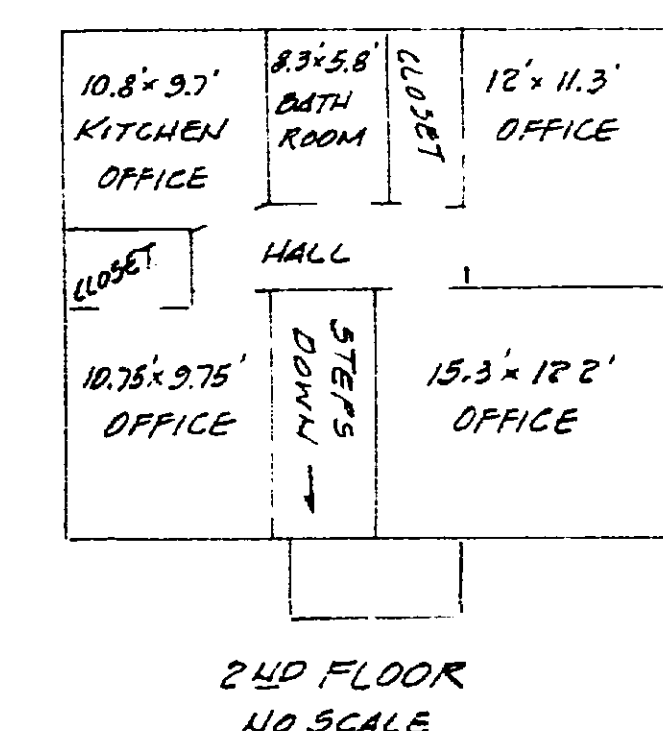
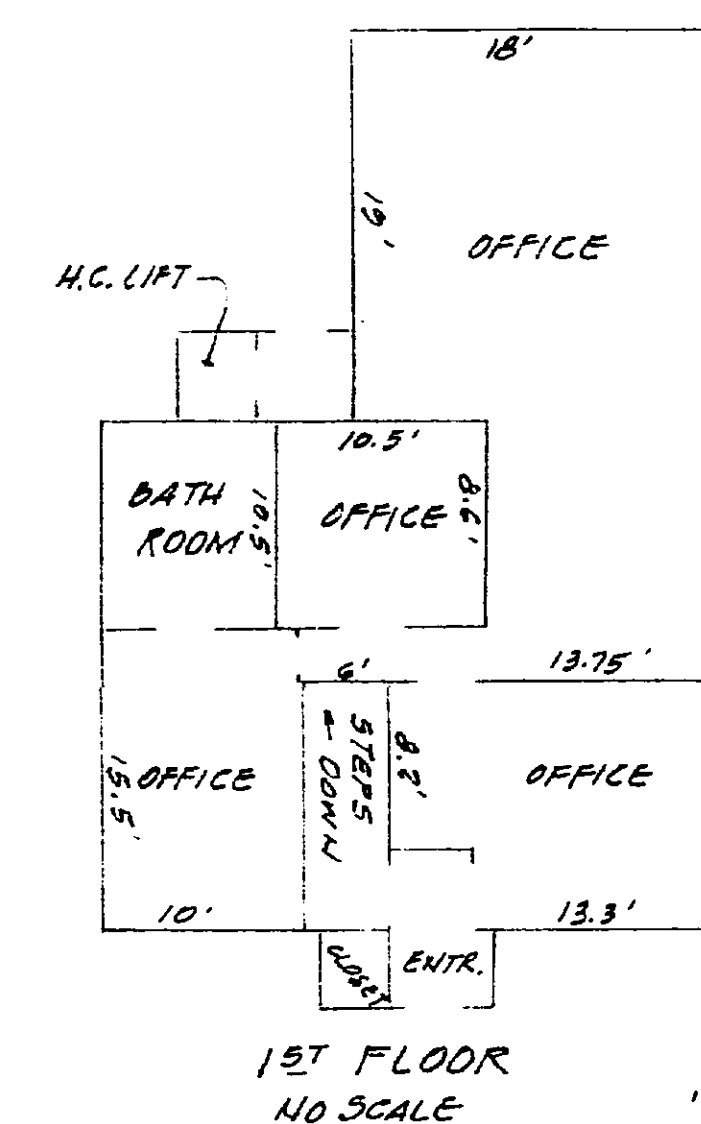
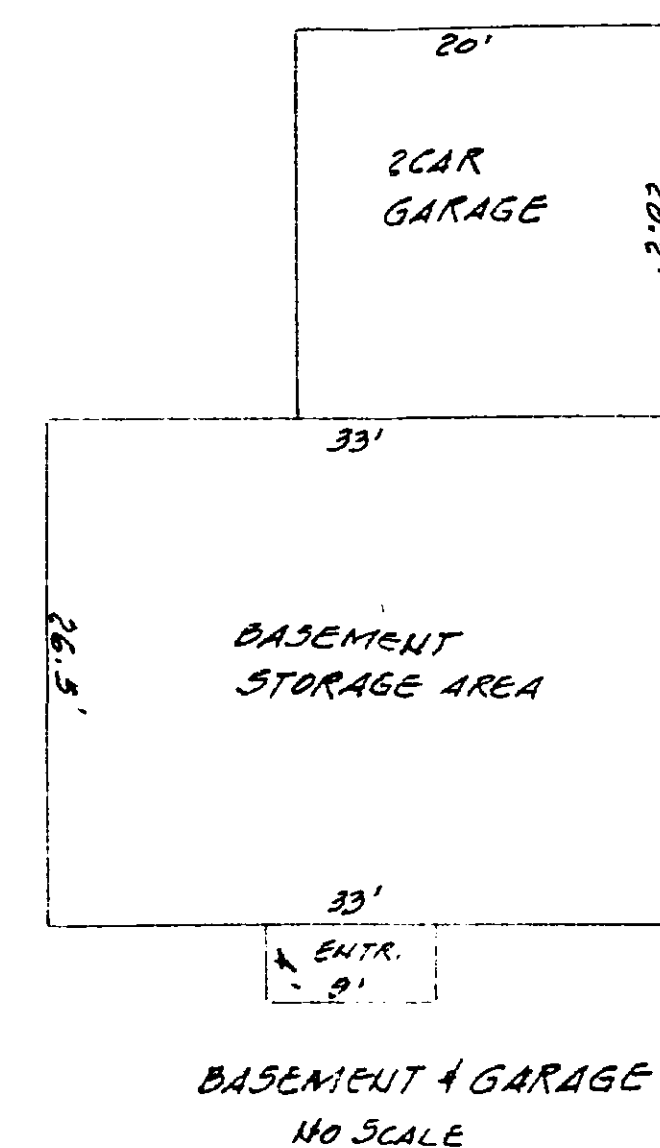
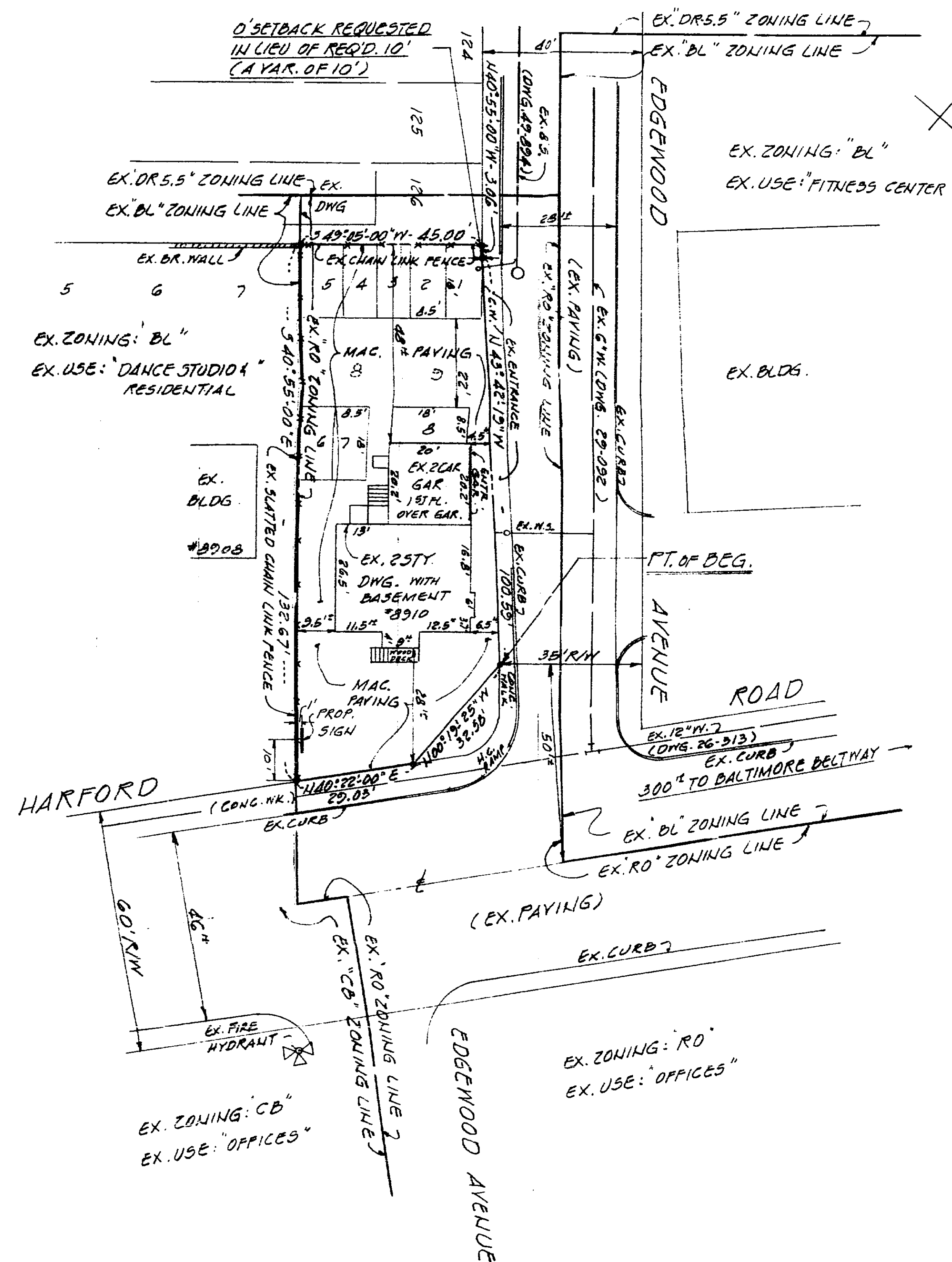
IN RE: PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE Cor. S/S
Edgewood Ave., W/S Harford Road
8910 Harford Road
9th Election District
6th Councilmanic District
James White, Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Zoning Variance for the property located at 8910 Harford Road in Parkville. The Petitions are filed by James White, property owner. The Petition for Special Hearing seeks a decision from the Zoning Commissioner that a Hypnotist office is considered a general office, rather than a medical office, and is permitted by right in an R.O. zone. The Petition for Variance seeks, in part, alternate relief if the Petition or Special Hearing is denied. That is, if it is determined that a Hypnotist office is a medical office, then the Petitioner seeks a variance from Section 204.3.A.2 of the Baltimore County Zoning Commissioner (BCZR) to permit use of 100% of the building as a medical office in lieu of the permitted 25%, and also variance relief from Section 409.6.A.2 of the BCZR to permit 8 parking spaces in lieu of the required 10 spaces. Other variances are also requested, irrespective of the decision regarding the Petition for Special Hearing. That portion of the variance request is from Sections 409.8.A.4 and 204.3.C.1 of the BCZR to permit a 0 ft. setback to a parking area from a road right of way in lieu of the required 10 ft. and to permit a free-standing sign of 96 sq. ft. (48 sq. ft. per face) in lieu of the permitted 30 sq. ft. All of the requested relief & subject property are more particularly shown on the site plan, received into evidence as Petitioner's Exhibit No. 1.

UNDER THE SEALING
Date 2/11/98
By [Signature]

EX. ZONING: "DR 5.5"
EX. USE: RESIDENTIAL



1. AREA OF PROPERTY = $5,939.75 \text{ SF} \times (.0136 \text{ AC.}) = .08055 \times .2019 \text{ AC.} =$
2. EXISTING ZONING OF PROPERTY = "R0"
3. EXISTING USE OF PROPERTY = "RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY = "R0"
5. PROPOSED USE OF PROPERTY = "GENERAL OFFICES- CLASS A- HYPODOLIS"
6. REQUIRED OFF STREET PARKING:
 1. EX. 1ST FLOOR = $120.5 \text{ S.F.} \times 3.3/1000 = 4.36$
 2. EX. 2ND FLOOR = $875 \text{ S.F.} \times 3.3/1000 = 2.89$
 3. EX. BASEMENT = $875 \text{ S.F. (STORAGE)} = 0.0$
 4. EX. 2 CAR GARAGE = $404 \text{ S.F.} = 0.0$
 5. TOTAL NUMBER PARKING SPACES REQUIRED = $7.25 = 8 \text{ S.P.}$
7. NUMBER OF PARKING SPACES ALLOWED = $8 + 2 \text{ CAR.} = 10 \text{ S.P.}$
8. PETITIONER REQUESTING A SPECIAL HEARING TO DETERMINE IF A HYPODOLIS OFFICE IS CONSIDERED GENERAL OFFICES AND NOT A MEDICAL OFFICE AND IS PERMITTED IN A "R0" ZONE.
9. IN THE ALTERNATIVE THAT THE COMMISSIONER DETERMINES THAT THE REQUESTED USE IS MEDICAL, PETITIONER IS REQUESTING A VARIANCE TO PERMIT THE USE OF 100% OF THE OFFICE SPACE IN LIEU OF THE PERMITTED 25% AND TO PERMIT 8 S.P. IN LIEU OF THE REQUIRED 10 S.P.
10. PETITIONER REQUESTING A VARIANCE TO SECT. 409.B.A. 4 AND 206.3.C.1 OF THE DCZC TO PERMIT A 0' SETBACK FOR PARKING AREA FROM A ROAD RIGHT OF WAY IN LIEU OF REQUIRED 10' (A YAR. OF 10') AND TO PERMIT A FREE STANDING SIGN OF 36 S.F. (43 S.F. MAX.) IN LIEU OF THE PERMITTED 30 S.F. (15 S.F. FACE), A VARIANCE OF 66 S.F.
11. PROPERTY SERVED BY PUBLIC SEWER AND WATER.
12. LANDSCAPING WILL CONFORM WITH THE LANDSCAPE MANUAL TO THE EXTENT POSSIBLE.
13. NO ZONING HISTORY ON SUBJECT PROPERTY.
14. BALTIMORE COUNTY ZONING MAP N.E. 9D.

97-396-
SPHA

PLAT TO ACCOMPANY PETITION
FOR

SPECIAL HEARING & VARIANCES

#8910 HARFORD ROAD

ELECT. DIST. 906
SCALE: 1" = 20'

BALTIMORE COUNTY, MD.
MARCH 10, 1997

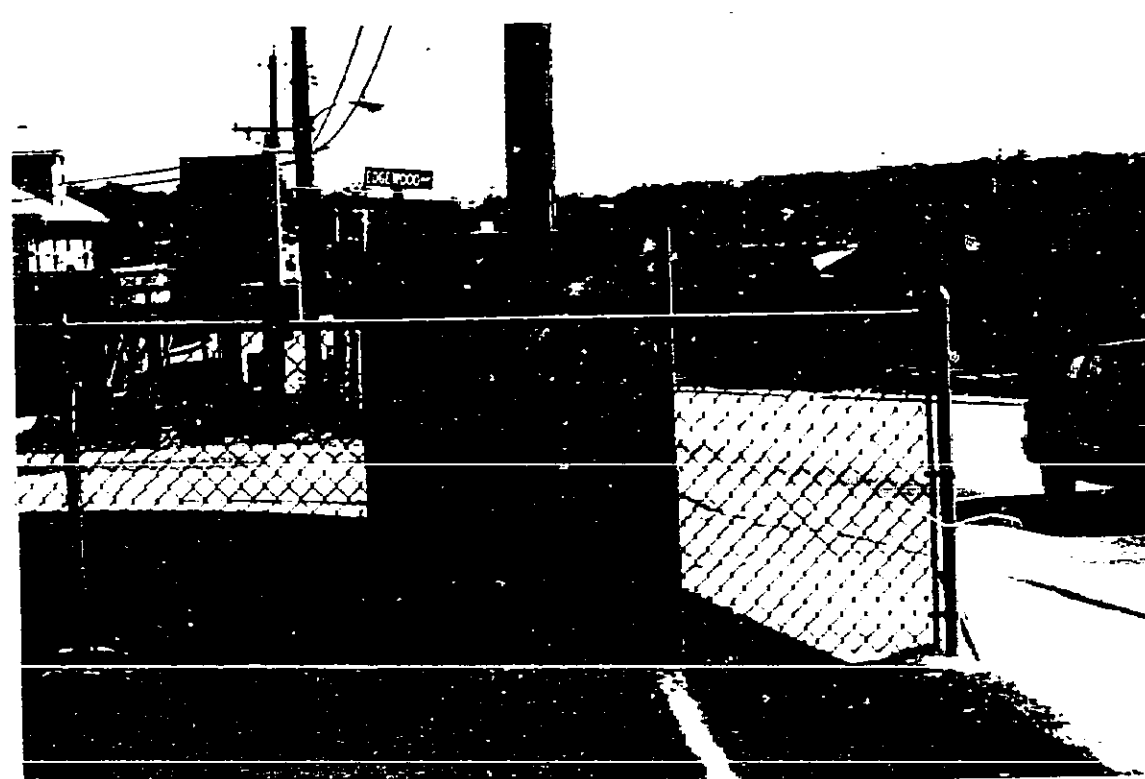
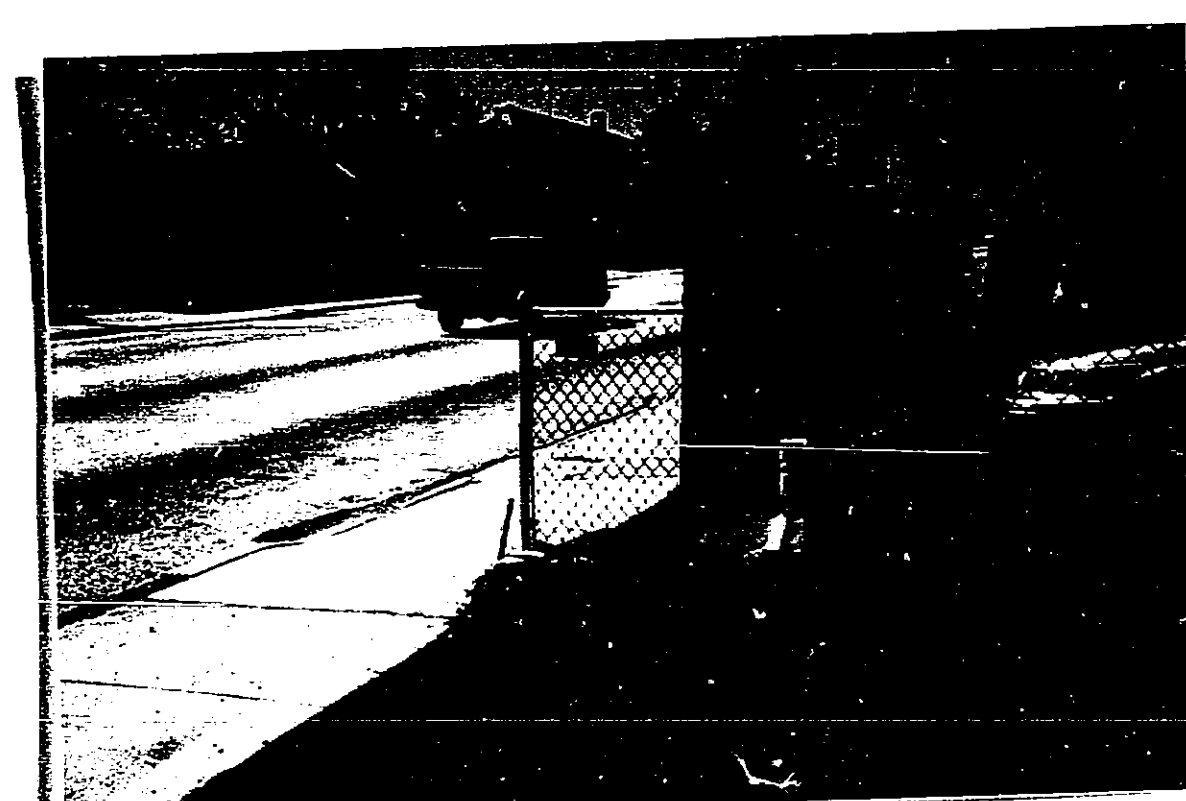
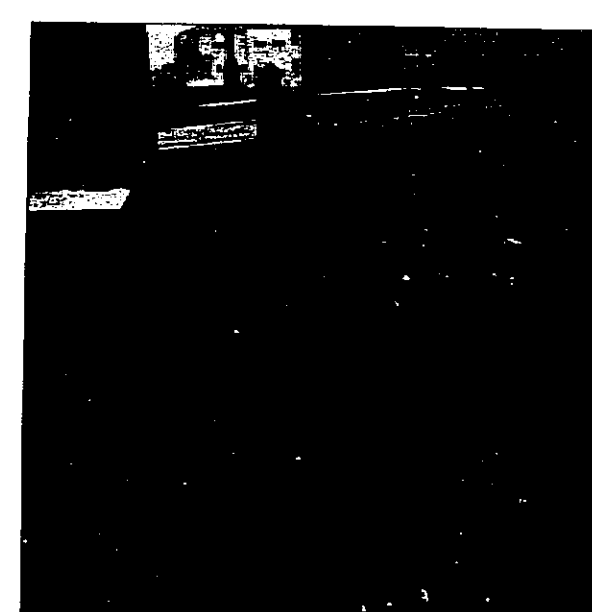
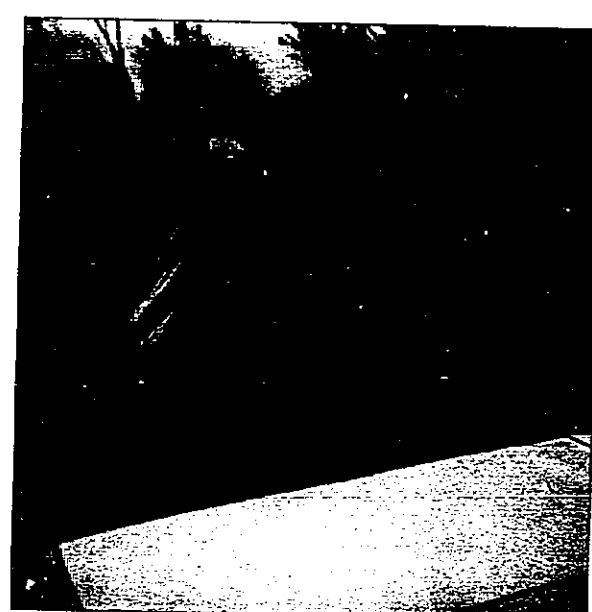
PETITIONER'S
EXHIBIT NO. 1

OWNER:

JAMES WHITE
3219 TEXAS AVENUE
BALTIMORE, MARYLAND 21234

ENGINEER:
PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204





Appearing on behalf of the Petitions was James White, property owner, and Paul Lee, the engineer who prepared the site plan. A number of individuals appeared in opposition to the request. They were Debra Pacheco, Paul F. and Robert B. Insley, Joseph Portera, John G. Disney and Mary E. Ginn.

Testimony and evidence presented was that the subject site is a corner lot, located adjacent to the intersection of Harford Road and Edgewood Avenue in the Parkville community of Baltimore County. The property is located just south, towards Baltimore City, of the interchange of Harford Road and the Baltimore Beltway (I-695). The property is roughly rectangular in shape, approximately 6,000 sq. ft. in area, zoned R.O. The property is improved with an existing two story structure which contains a basement. The structure has an attached garage.

The property owner, James White, is a Hypnotist by occupation and his office is located in the building. He acquired the property in February of 1996. Since his acquisition of the property, Mr. White has made several improvements/modifications to same. Among those improvements is the the covering of nearly the entire yard area by macadam, thereby significantly increasing the parking area. Also, a sign advertising Mr. White's services has been erected and a handicap lift has been installed. Mr. White testified that he operates the Baltimore Smoking Clinic, a business geared toward helping people eliminate their addiction to tobacco through hypnosis. Previously, this business was operated from another location approximately five blocks from the subject site. Mr. White indicated that he employs one full time person and approximately 2 part time employees.

Mr. White also testified that he uses but a part of the structure as his office. The clinic is operated nearly entirely on the first floor and the second floor is vacant. He indicated that the area may ultimately be converted into another office. He also indicated that the basement of the

building is used for storage. The hours of operation are quite limited, in that the clinic is open only two nights per week.

Mr. Lee also testified and explained the reason behind the filing of the Petition for Special Hearing. It is to be noted that Section 204 of the BCZR regulates the R.O. zone. Section 204.3.A.2 of the BCZR states that a Class A office building is permitted by right in an R.O. zone for so long as no more than 25% of the total adjusted floor area of the building is occupied by a medical office. Based on this requirement, the question presented is whether the subject operation is a medical office. If so, only 25% of the floor area may be used for the hypnosis clinic. If not, the operation may exist by right.

Testimony and evidence offered by Mr. White on this issue was that he does not have a college degree or other post graduate education, and is not licensed by the State of Maryland. Moreover, his occupation and credentials are not regulated by the State.

The term medical office is defined in Section 101 of the BCZR as "A place for the treatment of outpatients by one or more medical practitioners." The term "medical practitioner" is defined in that section as, "A physician, dentist, optometrist, chiropractor, podiatrist, psychologist, physical therapist, nurse or other similar health professional licensed by the State." (emphasis added) In my judgment, Mr. White is not a medical practitioner. Clearly, he is not a member of those professions specifically designated under the medical practitioner definition and his testimony was dispositive that he is not licensed by the State. In that he is not a medical practitioner, his office is, therefore, not a medical office.

In view of this conclusion, it is apparent that Mr. White's operation must be considered a general office and, therefore, permitted by right in the R.O. zone. Thus, for this reason, the Petition for Special Hearing

should be granted and a determination entered that this hypnotist office is permitted by right at the subject site as a general office.

This finding eliminates the need for consideration of a portion of the Petition for Variance. Specifically, that portion to permit 100% of the office space to be used if the operation is considered a medical office and variance relief from the number of parking spaces required. These requests are made moot by the determination that the business is a general office, not a medical office.

However, the other portion of the variance request remains at issue. The first portion of that request is that variance relief be granted to permit a 0 ft. setback for a parking area from the curb right of way, in lieu of the required 10 ft. It is to be specifically noted that this request relates to the rear portion of the property and that area of the parking lot behind the building adjacent to Edgewood Avenue. As shown on the site plan, the Petitioner has installed five parking spaces along the rear lot line. That space designated as space No. 1 immediately abuts the right of way line for Edgewood Avenue and does not maintain the 10 ft. setback as required.

Mr. Lee explained that parking is difficult on this site and that variance relief was requested in order to permit the maximum number of on site spaces. It was also indicated that strict compliance with the zoning regulations would result in the Petitioner sustaining a practical difficulty in that there would be insufficient area to accommodate on site parking. It is also to be noted that the Development Plans Review Division of the Office of Permits and Development Management supports the request.

Based upon the testimony and evidence presented, I will grant this variance. In my judgment, the need for on site parking outweighs the need

for strict adherence to the requirement. I find that the Petitioner has complied with the requirements set forth in Section 307 of the BCZR.

Variance relief is also sought for a proposed sign. As shown on the site plan, a sign 12 ft. in total height and 6 ft. in width is proposed. The face of the sign will actually be 8 ft. x 6 ft.; 48 ft. per face, or 96 ft. for both sides. In this regard, testimony was offered that Harford Road is a major arterial road and a sign of the size proposed was the minimum necessary to properly identify the business on site.

In considering this issue, I am persuaded to grant a variance from the sign regulations, however, not to the extent which has been requested. In my judgment, a sign face 4 ft. high x 6 ft. in width would be appropriate. Such a sign would be 24 ft. per face or 48 ft. total. This is greater than the regulations require, but less than requested.

I will grant the variance for a sign that size in order to allow proper advertising of the activity on site. The sign may reach a maximum height of 12 ft. In this regard, it is to be noted that the Petitioner has already placed a sign in the front of the site from the property at ground level. Apparently, the Petitioner placed that sign to identify the business while this Petition was under consideration. That sign is clearly not 48 ft. per face and sufficiently identifies the business on the property. I am unconvinced that a larger sign is needed at this time particularly since there is but a single business in the building.

Moreover, I shall condition the special hearing and variance relief which has been granted herein. The first condition imposed shall be a requirement that the Petitioner eliminate the ground mounted sign on the property. Testimony and evidence was offered that the sign interferes with sight distance for traffic exiting Edgewood Avenue onto Harford Road. My site inspection of the property convinced me that this was a valid concern

ORDER RECEIVED FOR FILING
Date 6/12/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/12/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/12/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/12/97
By [Signature]

and, thus, that sign shall be eliminated. The only sign which shall be allowed will be the pole mounted 24 sq. ft. per face sign described hereinabove. Moreover, that sign shall be erected at a location on the site approved by the Bureau of Traffic Engineering. That agency shall approve the location of the sign to assure that same is appropriate and does not interfere with traffic on either Harford Road or Edgewood Avenue.

The second condition which I shall impose relates to the use of the front of the property. In this regard, the photographs show that Mr. White has constructed macadam paving across the entire frontage of the property. Obviously, he has used this as a parking lot, jumping his vehicle across the curb on Harford Road to this area. Photos of the site show that the curb has deteriorated from this practice. This is, no doubt, done as a matter of convenience, in that Edgewood Avenue is a one way road and the Petitioner desires to obtain a means of direct vehicular access from Harford Road to his property. The only means of access to the site should be from Edgewood Avenue.

This activity by the Petitioner is manifestly unsafe. Testimony and evidence offered was that there is a children's dance studio nearby and clearly the Petitioner's attempt to establish a direct means of access from Harford Road could result in traffic accidents and inappropriate congestion in the roadway. Thus, a condition to the granting of the zoning relief herein, the Petitioner shall be required to remove a minimum of 5 ft. of the macadam area in that portion of the yard between the right of way for Harford Road and the front yard. This macadam should be replaced with a barrier or some landscaping to prohibit the entry of vehicular traffic directly from Harford Road onto the site. I will leave the specifics of this buffer area to the Office of Planning.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 11th day of June 1997 that, pursuant to the Petition for Special Hearing, a determination that a Hypnotist office is considered a general office and is permitted by right in an R.O. zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 204.3.A.2 of the BCZR to permit the use of 100% of the building as a medical office, in lieu of the maximum permitted 25%, and a variance to permit 8 parking spaces in lieu of 10 parking spaces required is DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that a variance from Sections 409.B.A.4 and 204.3.C.1 of the BCZR to permit a 0 ft. setback to a parking area from a road right of way in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for a sign face 4 ft. high x 6 ft. in width, (24 ft. per face or 48 ft. total), be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall be required to remove a minimum of 5 ft. of the macadam area in that portion of the yard between the building and Harford Road. This macadam should be removed at an area easily adjacent to the right of way and should be replaced with a barrier or some landscaping to prohibit the entry of vehicular traffic directly from Harford Road onto the site.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

4. The location of the sign shall be approved by the Bureau of Traffic Engineering, or their designee.

5. The Petitioner shall remove the existing sign within 30 days from the date of this Order.

LES:mmm

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING
Date 6/12/97
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/12/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 10, 1997

Mr. James White
3219 Texas Avenue
Baltimore, Maryland 21234

Mr. Paul Lee
Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Property: 8910 Harford Road
Case No. 97-396-SFWA

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att.

cc: Ms. Debra Pacheco, 8908 Harford Road, Baltimore, Md. 21234
Messrs. Paul F. Insley and Robert B. Insley, 9309 Fullerdale Avenue
Mr. Joseph Portera, 2953 Edgewood Avenue, Baltimore, Md. 21234
Mr. John Disney, 2903 Manns Avenue, Baltimore, Md. 21234
Ms. Mary E. Ginn, 606 Horncrest Road, Towson, Md. 21204

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
8910 Harford Road, Corner S/S Edgewood
Avenue, W/S Harford Road
9th Election District, 6th Councilmanic
James White
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-396-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25 day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Paul Lee Engineering, Inc., 304 W. Pennsylvania Avenue, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve that a hypnosis office is considered general offices and not medical offices and is permitted in an "R0" Zone and to consider the variance request if the hypnosis office is considered medical.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract-Planner/Engineer:

Paul Lee Engineering, Inc.

(Type or Print Name)

Paul Lee

Signature

304 W. Pennsylvania Avenue

Address

Towson, Maryland 21204

City and State

Legal Owner(s):

James White

(Type or Print Name)

James White

Signature

3219 Texas Avenue

Address

Baltimore, Maryland 21234

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Paul Lee Engineering, Inc.

Name

304 W. Pennsylvania Ave.

Address

Baltimore, Maryland 21204

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

304 W. Pennsylvania Ave.

Address

Baltimore, Maryland 21204

City and State

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/3 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/3 1997.

THE JEFFERSONIAN,

A. Henderson

LEGAL AD. - TOWSON

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #8910 HARFORD ROAD

which is presently zoned R0

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.8.A.4 & 204.3.C.1

and an alternative to Special Hearing Request. (see attached)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract-Planner/Engineer:

Paul Lee Engineering, Inc.

(Type or Print Name)

Paul Lee

Signature

304 W. Pennsylvania Ave.

Address

Towson, Maryland 21204

City and State

Legal Owner(s):

James White

(Type or Print Name)

James White

Signature

3219 Texas Avenue

Address

Baltimore, Maryland 21234

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Paul Lee Engineering, Inc.

Name

304 W. Pennsylvania Ave.

Address

Baltimore, Md. 21204

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

304 W. Pennsylvania Ave.

Address

Baltimore, Maryland 21204

City and State

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

PETITION FOR VARIANCE

1. The petitioner is requesting in the alternative that the Commissioner determine that the requested use is medical. The petitioner is requesting a variance from Section 409.8.A.2 to permit the use of 100% of the office space in lieu of the permitted 25% and from Section 409.6.A.2 to permit eight (8) parking spaces in lieu of the required ten (10).

2. Petitioner is requesting a variance to Section 409.8.A.4 and 204.3.C.1 of the BCCR to permit a zero (0) foot setback for the parking area from a road right-of-way in lieu of the required ten (10) foot, a variance of 10 feet, and to permit a free standing sign of 96 square feet (48 square feet/face) in lieu of the permitted 30 square feet (15 square feet/face), a variance of 66 square feet.

CERTIFICATE OF POSTING

Case # 97-396-SPHA

Petitioner/Developer:
(Jim White)
Date of Posting/Closing:
(April 22, 1997)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #8910 Harford Rd., Baltimore, Maryland 21234.

The sign(s) were posted on April 7, 1997 (Month, Day, Year)

Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

(Printed Name)

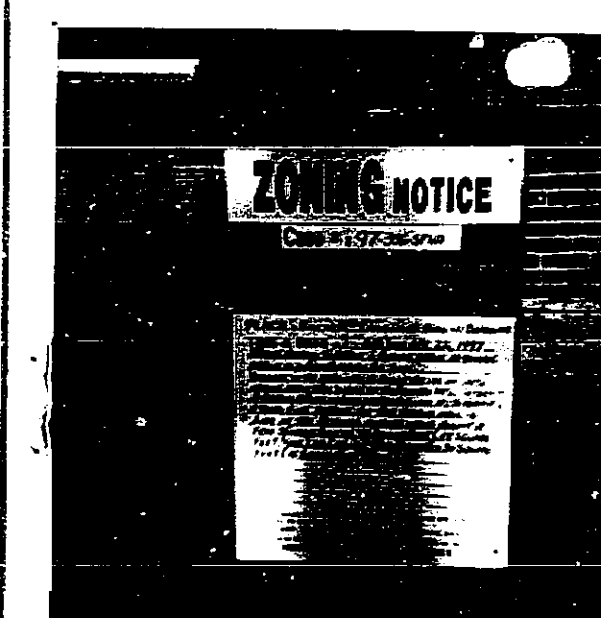
325 Nicholson Road

(Address)

Baltimore, Maryland 21221

(410) 887-8485

(Telephone Number)



97-396-SPHA

Engineers - Surveyors - Site Planners

J.O. 97-009
3/7/97

396

396

97-396-SPHA

396

#8910 HARFORD ROAD

which is presently zoned R0

97-396-SPHA

Printed with Soybean Ink
on Recycled Paper

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIMATED LENGTH OF HEARING

ESTIM

CERTIFICATE OF POSTING

RE: Case No. 97-396-SPHA

Petitioner/Developer:
JAMES WHITE

Date of Hearing/Closing:

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8910 HARFORD RD.

PER OWNER
MOUNTED ON RAIL OF PORCH (NO GROUND FOR POST)

The sign(s) were posted on 8/12/97
(Month, Day, Year)

Sincerely,

Gary Freund 8/12/97
(Signature of Sign Poster and Date)

GARY FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

SC-01 HW 41 30V L6
3473-0000 40 00000 110000
(REV) 10/93

996
cert.doc



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-396-SPHA ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 396

Petitioner: James White

Location: 8910 Harford Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: James White

ADDRESS: 3214 Texas Avenue

Baltimore MD 21234

PHONE NUMBER: (410) 661-1112

At: ggs

(Revised 09/24/96)

Exhibit B

#396

Request for Zoning Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No. 97-396-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE:

DATE AND TIME:

REQUEST: Special Hearing to approve a hypnosis office
in general office building and permitted in the R.O. zone
Variance to permit 100 sq. medical office in lieu of 25% and
8 parking spaces in lieu of 10 at residential medical. To permit a
0 parking space to street level in lieu of 10 at residential medical. To permit a
0 parking space to street level in lieu of 10 at residential medical. To permit a

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

996
post 4.doc

TO: EVERETT ENGINEERING COMPANY
April 4, 1997 Issue - Jeffersonian

Please forward billing to:

James White
3219 Texas Avenue
Baltimore, MD 21234
661-1112

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-396-SPHA

8910 Harford Road
corner S/S Edgewood Avenue, W/S Harford Road
9th Election District - 6th Councilmanic
Legal Owner(s): James White

Special hearing to approve a hypnosis office as general offices as is permitted in an R.O. zone. Variance, in the alternative, to permit the use of 100% medical office space in lieu of the permitted 25%; to permit 8 parking spaces in lieu of the required 10; to permit a zero foot setback for the parking area in lieu of the required 10 feet; and to permit a free-standing sign of 96 square feet (48 square feet/face) in lieu of the permitted 30 square feet (15 square feet/face).

HEARING: TUESDAY, APRIL 22, 1997 at 9:00 a.m., 4th Floor Courts Building, 401 Bayley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 28, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-396-SPHA

8910 Harford Road
corner S/S Edgewood Avenue, W/S Harford Road
9th Election District - 6th Councilmanic
Legal Owner(s): James White

Special hearing to approve a hypnosis office as general offices as is permitted in an R.O. zone. Variance, in the alternative, to permit the use of 100% medical office space in lieu of the permitted 25%; to permit 8 parking spaces in lieu of the required 10; to permit a zero foot setback for the parking area in lieu of the required 10 feet; and to permit a free-standing sign of 96 square feet (48 square feet/face) in lieu of the permitted 30 square feet (15 square feet/face).

HEARING: TUESDAY, APRIL 22, 1997 at 9:00 a.m., 4th Floor Courts Building, 401 Bayley Avenue.

Arnold Jablon
Director

cc: James White
Paul Lee Engineering, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 7, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 26, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-396-SPHA

IN THE MATTER OF: JAMES WHITE -Petitioner
8910 Harford Road 9th E; 6th C

(Petition for Special Hearing GRANTED; Petition for Variance DISMISSED in part as moot and GRANTED in part with restrictions by Z.C. /APPEALED AS TO RESTRICTION #2 ONLY.)

ASSIGNED FOR:

TUESDAY, DECEMBER 30, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

cc: Appellant /Petitioner

: James White

Paul Lee Engineering, Inc.

Protestants

: Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

December 30, 1997

NOTICE OF DELIBERATION

Having concluded this matter on December 30, 1997, public deliberation has been scheduled by the Board as follows:

JAMES WHITE -Petitioner
Case No. 97-396-SPHA

DATE AND TIME : Friday, January 9, 1998 @ 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

Kathleen C. Bianco
Administrator

cc: Appellant /Petitioner

: James White

Paul Lee Engineering, Inc.

Protestants

: Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Copied: C.W.F.

Printed with Soybean Ink
on Recycled Paper

Case No. 97-396-SPHA

James White - Petitioner

Cor. S/S Edgewood Avenue, W/S Harford Road
(8910 Harford Road)

9th District

Appealed: 7/10/97

-attached Pet. Ex. #1
Plat to accompany petition



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 18, 1997

Mr. James White
3219 Texas Avenue
Baltimore, MD 21234

RE: Item No.: 396
Case No.: 97-396-SPHA
Petitioner: James White

Dear Mr. White:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 18, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/ce
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4-1-97
Item No. 396 (MJK)

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 147 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5806 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

R. J. Smith
for
Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
DATE: April 7, 1997
FROM: Robert W. Bowling, Chief
Development Plans Review Division
SUBJECT: Zoning Advisory Committee Meeting
for April 7, 1997
Item No. 396

The Development Plans Review Division has reviewed the subject zoning item.

This office supports the modification request to the Landscape Manual to not require the 10 foot wide landscape strip against the right-of-way.

RWB:HJO:cab

cc: File

ZONE407.396

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/07/96

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Stanley E. Loyd - 395
James White - 396
Exxon Corporation - 401
Paul G. Vleck & Mark David Vleck &
Annabelle M. Vleck & Georgeann Lynch - 409

Location: DISTRIBUTION MEETING OF April 17, 1997

Item No.: 395, 396, 401, & 409 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



PETITION PROBLEMS

97-396-SPHA

#395 --- MJK

1. Sign form incomplete/incorrect.

#396 --- MJK

1. Sign form incomplete/incorrect.

#397 --- MJK

1. Sign form incomplete/incorrect.

#401 --- JRA

1. NO sign form in folder.
2. Incomplete description on folder.

#402 --- JRA

1. NO sign form in folder.
2. Notary section is incorrect/incomplete.
3. No review information on bottom of petition form.
4. Not marked as flood zone on folder.

#408--- JCM

1. No telephone number for legal owner.
2. Two copies of sign form in folder - why?

3/26/97



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: March 31, 97

DATE: 3/22/97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 396 404
397 405
398 406
401 408
402
403

RBS:sp
BRUCEZ/DEPRM/TXTSPB



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 14, 1997

Ms. Debra Pacheco
8908 Harford Road
Baltimore, MD 21234

RE: Petitions for Special
Hearing and Variance
S/S corner Edgewood Ave.,
W/S Harford Rd.
(8910 Harford Road)
9th Election District
6th Councilmanic District
James White - Petitioner
Case No. 97-396-SPHA

Dear Ms. Pacheco:

Please be advised that an appeal of the above-referenced case, restriction of access from State Route 147, Harford Road only, was filed in this office on July 10, 1997 by James L. White. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:rye

cc: Messrs. Paul F. Insley and Robert B. Insley
Mr. Joseph Portera
Mr. John Disney
Ms. Mary E. Ginn
People's Counsel

97 JUL 17 AM 11:02
RECEIVED
COUNTY BOARD OF APPEALS

APPEAL
Petitions for Special Hearing and Variance
S/S corner Edgewood Ave., W/S Harford Road
(8910 Harford Road)
9th Election District - 6th Councilmanic District
James White - Petitioner
Case No. 97-396-SPHA

Petition for Special Hearing and Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel
Zoning Advisory Committee Comments
Petitioners and Protestants Sign-In Sheets
Petitioners' Exhibit: 1 - Plat to Accompany Petition for Special Hearing and Variance
Letter of Opposition
Zoning Commissioner's Order dated June 11, 1997 (Granted)
Notice of Appeal of the restriction of access from State Route 147, Harford Road only received on July 10, 1997 from James L. White

c: Mr. James White, 3219 Texas Avenue, Baltimore, MD 21234
Paul Lee Engineering, Inc., 304 W. Pennsylvania Avenue, Towson, Maryland 21204
Ms. Debra Pacheco, 8908 Harford Road, Baltimore, MD 21234
Messrs. Paul F. Insley and Robert B. Insley, 9309 Fullerdale Avenue, Baltimore, MD 21234
Mr. Joseph Portera, 2953 Edgewood Avenue, Baltimore, MD 21234
Mr. John Disney, 2903 Hanna Avenue, Baltimore, MD 21234
Ms. Mary E. Ginn, 606 Horncrest Road, Towson, MD 21204
People's Counsel of Baltimore County, M.S. 2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Heard 1/9/98

Case No. 97-396-SPHA SPH - Decision that Hypnotist office is considered a general office rather than medical office, and permitted by right in an R.O. zone; VAR - alternate relief if Petition for SPH is denied /100% use of building if permitted 25%; parking spaces; and VAR - setbacks and sign (irrespective of decision regarding SPH).

6/11/97 - Z.C.'s Order in which Petition for Special Hearing was GRANTED; Petition for Variance DISMISSED as "NOT" (alternative relief); Petition for Variance GRANTED with restrictions.

9/26/97 - Notice of Assignment for hearing scheduled for Tuesday, December 30, 1997 at 10:00 a.m. sent to following:

James White
Paul Lee Engineering, Inc.
Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

10/01/97 - Letter to parties; case number as shown on Notice of Assignment should read: Case No. 97-396-SPHA. No other changes to notice.

12/30/97 - Hearing concluded before Board (C.W.F.); scheduled for public deliberation on Friday, January 9, 1998 at 9:30 a.m. Notice sent 12/30/97.

1/09/98 - Deliberation concluded; restriction to remain as placed by Zoning Commissioner; no access from Harford Road. Order to be issued; appellate period to run from date of written Order. (C.W.F.)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

October 1, 1997

Mr. James White
3219 Texas Avenue
Baltimore, MD 21234

RE: Case No. 97-396-SPHA
James White -Petitioner

Dear Mr. White:

Regarding the Notice of Assignment dated September 26, 1997, the case number as indicated for the subject matter should read: Case #: 97-396-SPHA. There are no other changes to this Notice.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

cc: Paul Lee Engineering, Inc.

Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence M. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 28, 1998
Permits & Development Management
FROM: Charlotte E. Radcliffe
County Board of Appeals
SUBJECT: Closed File: 97-396-SPHA /James White

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-396-SPHA)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: James White -Petitioner
Case No. 97-396-SPHA
DATE : January 9, 1998 @ 9:30 a.m.
BOARD /PANEL : Charles L. Marks, Acting Chairman (CLM)
Donna M. Felling (DMF)
Margaret Worrall (MW)
SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE: To deliberate Case No. 97-396-SPHA; evidence and testimony received by the Board at hearing on December 30, 1997.

Petition for Special Hearing /to determine that hypnotist office is considered a general office rather than a medical office, and permitted by right in an R.O. zone; OR IN ALTERNATIVE: Petition for Variance /100% use of building in lieu of permitted 25%; and
Petition for Variance /setbacks and sign.

Appealed from June 11, 1997 decision of the Zoning Commissioner in which requested relief was granted; appeal filed by Petitioner as to restriction only. No other appeals filed.

CLM: Let the minutes show that the County Board of Appeals is in its regularly scheduled session for Friday, January 9, 1998 at 9:30 a.m. to publicly deliberate the matter concerning James White, Petitioner, Case No. 97-396-SPHA, this matter having previously been heard in formal hearing several days ago.

MW: Reviewed file and exhibits; noted that limited appeal only as to restriction (no other appeals filed); it is a general office; not appealed by anyone; variance granted below as to setbacks and from sign regulations.

Appeal is simply of the condition imposed relative to front portion of the property; vehicles drive over existing and deteriorating curb on Harford Road.

Discussed safety issues raised, access available from Edgewood and recognition of associated problems with that access. Entry from Harford Road should be prohibited.

CLM: Again stated that only limited appeal was filed by the Petitioner; no appeal by protestants. The only thing before the Board is the isolated issue of whether or not there should be coming and going from Harford Road. Zoning Commissioner already determined uniqueness and practical difficulty. The only thing the Board must decide is the condition imposed.

Final determination after consideration of all testimony and evidence is that parking in front of the lot is a problem; issue of safety involved; noted the generosity of the Zoning Commissioner in granting variances. In the spirit of the

James White -Petitioner
Case No. 97-396-SPHA /Deliberation

ordinance and public safety and welfare, the ruling should stand as to restriction (access from Harford Road denied).

DMF: Also spent much time trying to reach a decision, including complete review of notes and the law.

Clearly a safety issue from both sides, Appellant saying it's unsafe for his customers to access from other locations, questioning the restriction; and from the protestants saying that the neighborhood safety is the #1 concern, and rightfully so. Real concern about what the Board will do; Petitioner seeking relief for customers entering his business. Understanding of issues if Edgewood is the only access, and need to use other roads to use that location; bottom line is public safety, but still concerned about how access is granted.

MW: Discussed Edgewood Avenue and the fact that it is a one-way street. Possibly could be two ways - would require community and business getting together. But Board does not have authority to deal with that.

CLM: Again stated inordinate amount of time spent on this case; sympathetic to Petitioner. Discussed other accesses along Harford Road; final position is that the Zoning Commissioner's order should be upheld in its entirety.

MW: Agreed.

CLM: Indicated to DMF that if she felt strongly, could dissent on this.

DMF: Only thought it should be on the table; would agree and support the Zoning Commissioner and further agree that granting the variances could have been a problem. However, that is not Board's decision to make. Only looking at the restrictions; will uphold the restrictions and hope that Petitioner can find some way that access to his facility is done in such a way that it addresses all safety concerns.

CLM: Would appear that Board's decision is unanimous. Will issue formal Opinion and Order, and that should be coming out shortly. Upon receipt of that, and not today's date, but date of that order, an appeal may be filed to the Circuit Court from the date of that Order.

Thank you for your attendance. This hearing is adjourned.

Respectfully submitted,
Kathleen C. Bianco
Kathleen C. Bianco
Administrator

2915 Edgewood Avenue
Baltimore, MD 21234
April 21, 1997

Lawrence Schmidt
Zoning Court
401 Bosley Avenue
Towson, MD

Dear Mr. Schmidt,

I am writing this due to my concern about the proposed violations that are going to be heard by you today regarding the hypnotist at the corner of Edgewood Avenue and Harford Road.

It is my understanding that this person has asked to have parking to the curb at the end of my street, and I must ask that you not grant this. It is a very dangerous corner as it is, and anything that inhibits clear vision of traffic would be disastrous.

Aesthetically I am also opposed to the huge sign that has been requested, and would like to ask that you please have this business person adhere to the laws that are in effect. Thank you for your consideration.

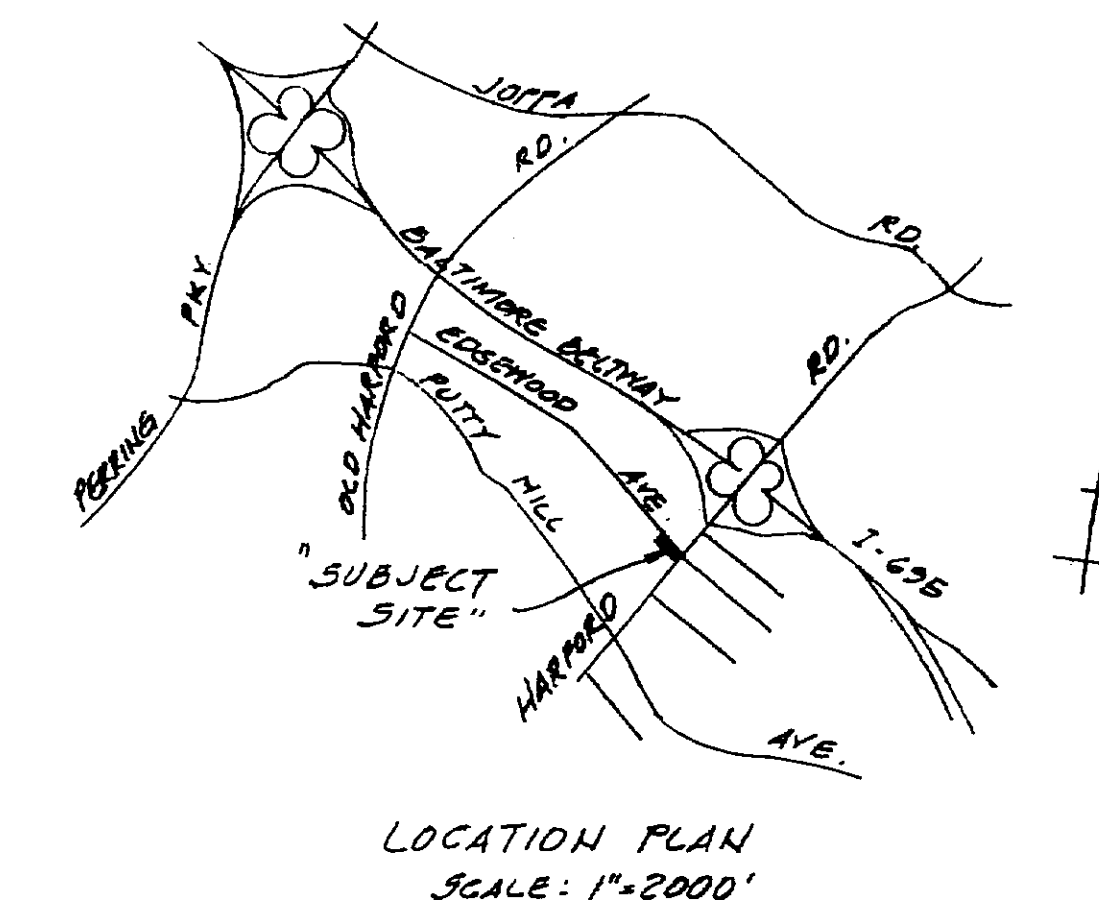
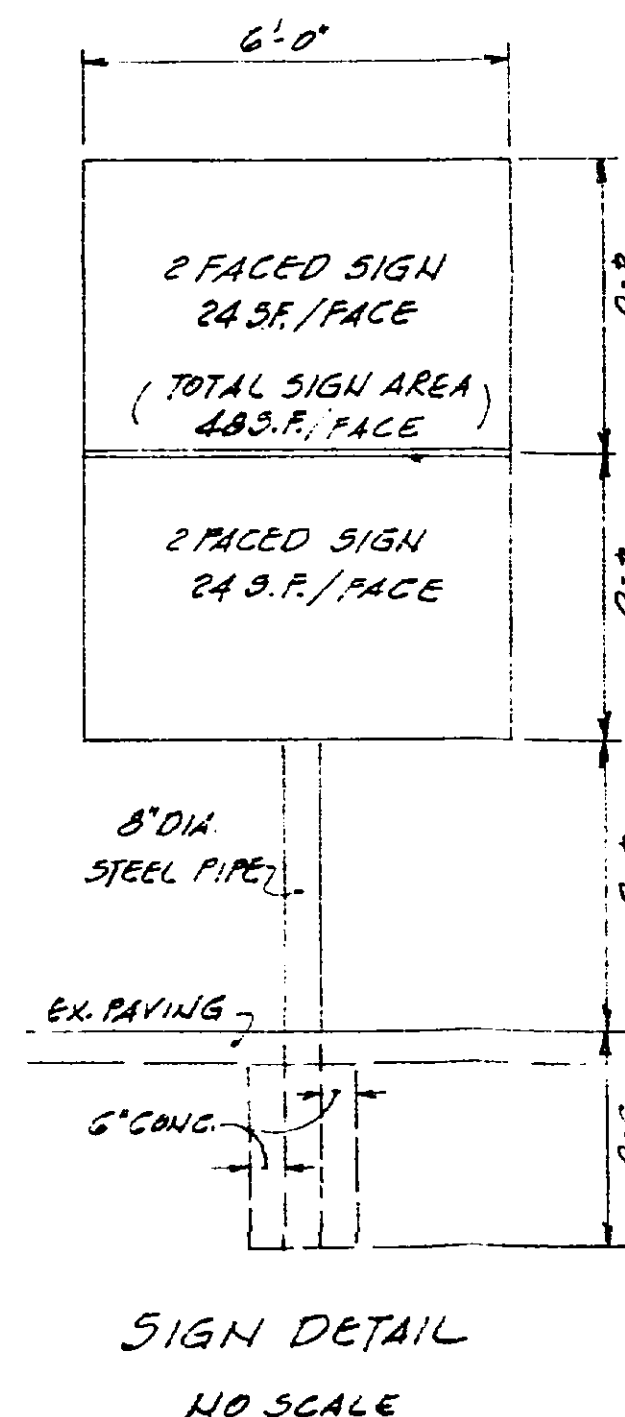
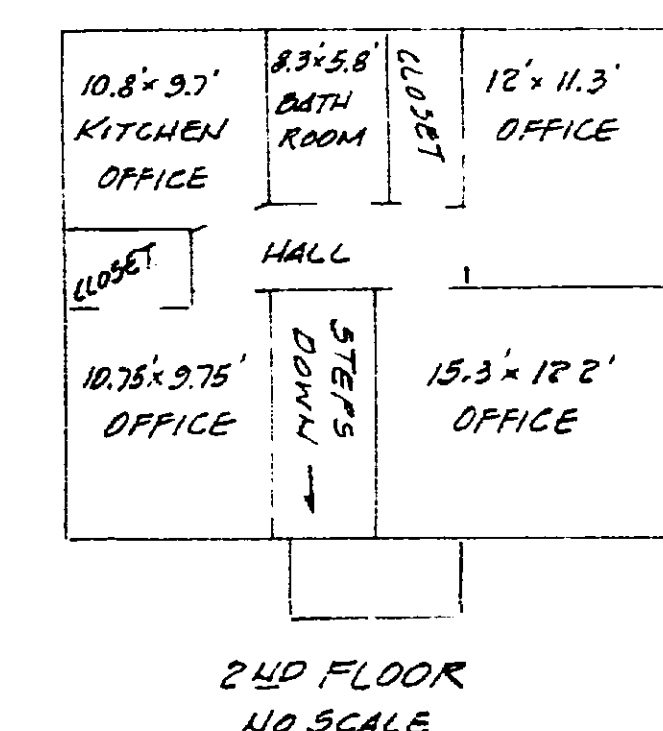
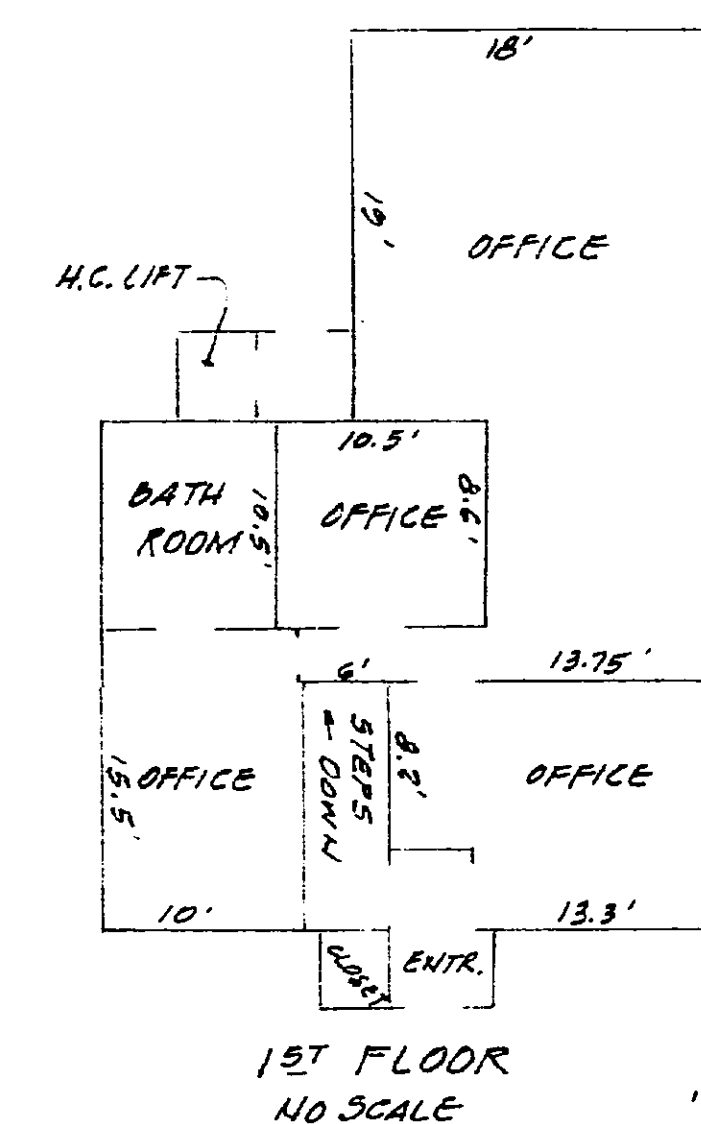
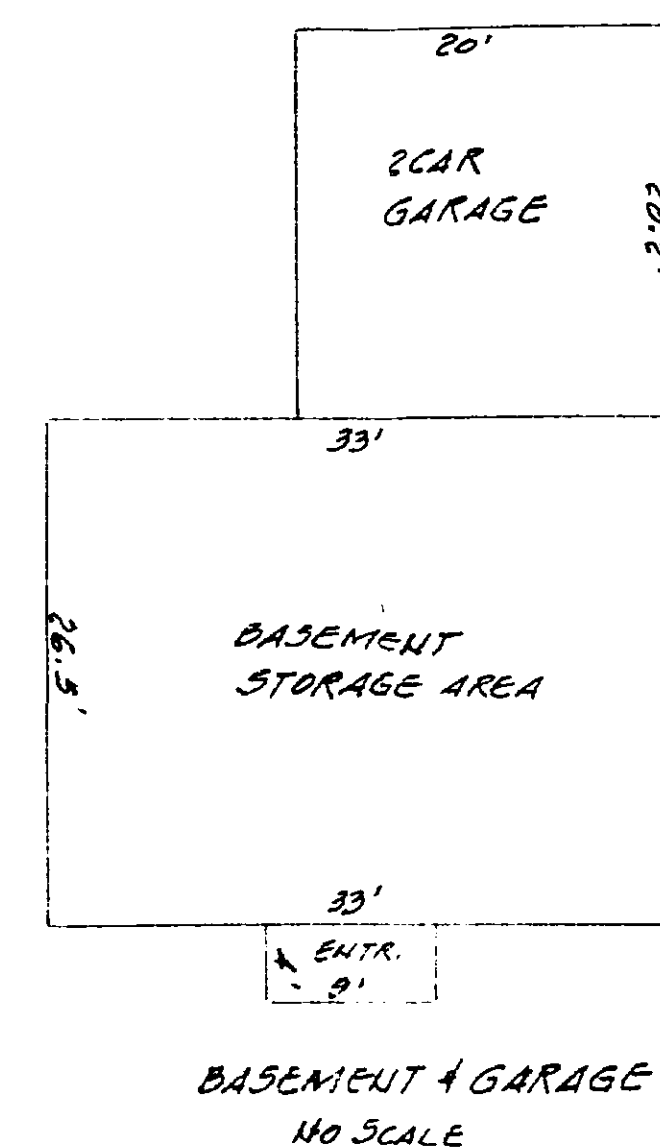
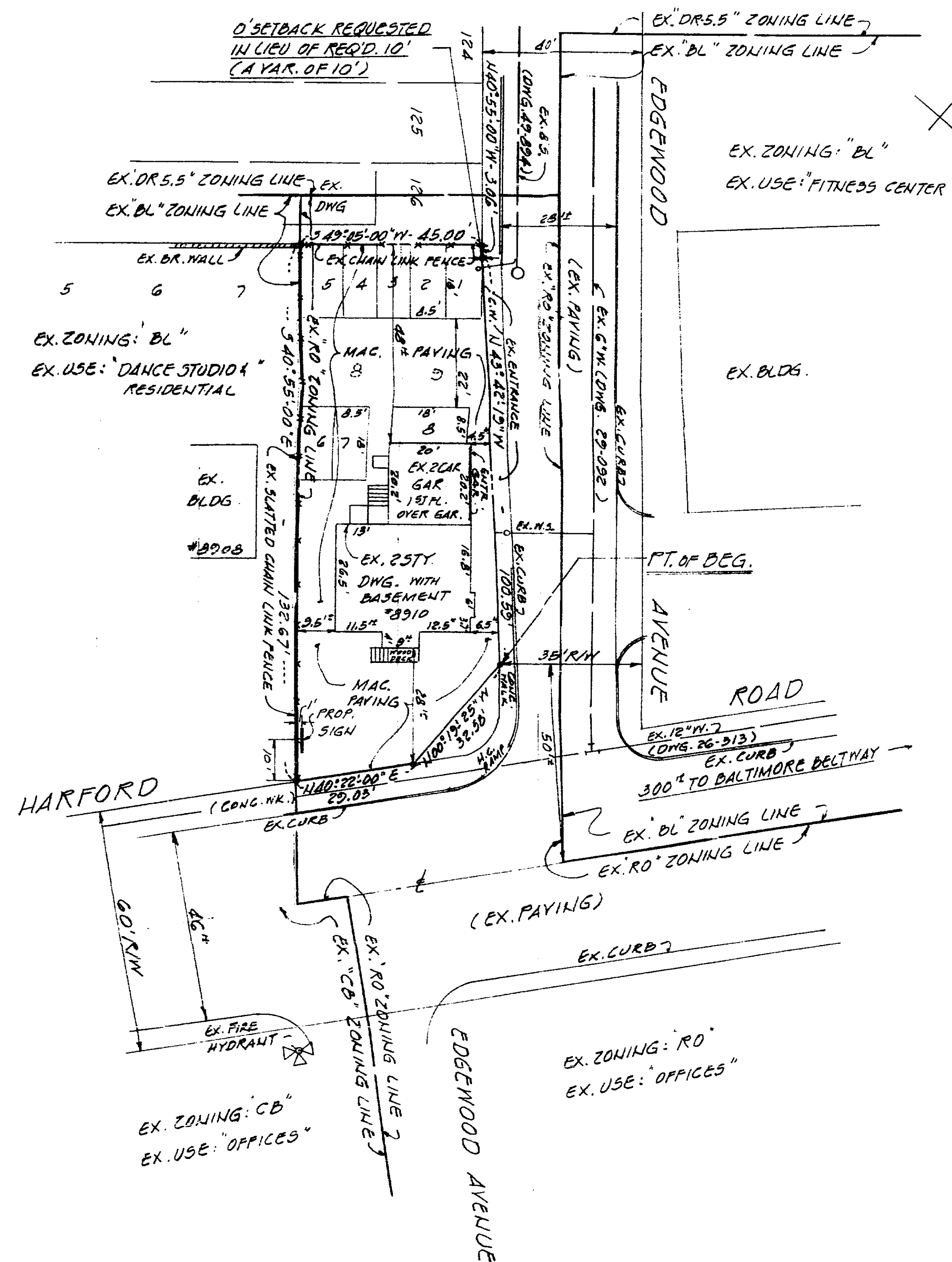
Sincerely,

James L. White
James L. White
3219 Texas Ave.
Baltimore Md. 21234

EB Washton RN

EX. ZONING: "DR 5.5"

EX. USE: RESIDENTIAL



1. AREA OF PROPERTY = $5,939.75 \text{ SF} \times (.0136 \text{ AC.}) = .08055 \times .2019 \text{ AC.} =$
2. EXISTING ZONING OF PROPERTY = "R0"
3. EXISTING USE OF PROPERTY = "RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY = "R0"
5. PROPOSED USE OF PROPERTY = "GENERAL OFFICES- CLASS A- HYPODOLIS"
6. REQUIRED OFF STREET PARKING:
 1. EX. 1ST FLOOR = $120.5 \text{ S.F.} \times 3.3/1000 = 4.36$
 2. EX. 2ND FLOOR = $875 \text{ S.F.} \times 3.3/1000 = 2.89$
 3. EX. BASEMENT = $875 \text{ S.F. (STORAGE)} = 0.0$
 4. EX. 2 CAR GARAGE = $404 \text{ S.F.} = 0.0$
 5. TOTAL NUMBER PARKING SPACES REQUIRED = $7.25 = 8 \text{ S.P.}$
7. NUMBER OF PARKING SPACES ALLOWED = $8 + 2 \text{ CAR.} = 10 \text{ S.P.}$
8. PETITIONER REQUESTING A SPECIAL HEARING TO DETERMINE IF A HYPODOLIS OFFICE IS CONSIDERED GENERAL OFFICES AND NOT A MEDICAL OFFICE AND IS PERMITTED IN A "R0" ZONE.
9. IN THE ALTERNATIVE THAT THE COMMISSIONER DETERMINES THAT THE REQUESTED USE IS MEDICAL, PETITIONER IS REQUESTING A VARIANCE TO PERMIT THE USE OF 100% OF THE OFFICE SPACE IN LIEU OF THE PERMITTED 25% AND TO PERMIT 8 S.P. IN LIEU OF THE REQUIRED 10 S.P.
10. PETITIONER REQUESTING A VARIANCE TO SECT. 409.B.A. 4 AND 206.3.C.1 OF THE DCZC TO PERMIT A 0' SETBACK FOR PARKING AREA FROM A ROAD RIGHT OF WAY IN LIEU OF REQUIRED 10' (A VAR. OF 10') AND TO PERMIT A FREE STANDING SIGN OF 363.5' (433.5' FACE) IN LIEU OF THE PERMITTED 303.5' (153.5' FACE), A VARIANCE OF 66 S.P.
11. PROPERTY SERVED BY PUBLIC SEWER AND WATER.
12. LANDSCAPING WILL CONFORM WITH THE LANDSCAPE MANUAL TO THE EXTENT POSSIBLE.
13. NO ZONING HISTORY ON SUBJECT PROPERTY.
14. BALTIMORE COUNTY ZONING MAP N.E. 9D.

97-396-
SPHA

PLAT TO ACCOMPANY PETITION
FOR

SPECIAL HEARING & VARIANCES

#8910 HARFORD ROAD

ELECT. DIST. 906
SCALE: 1" = 20'

BALTIMORE COUNTY, MD.
MARCH 10, 1997

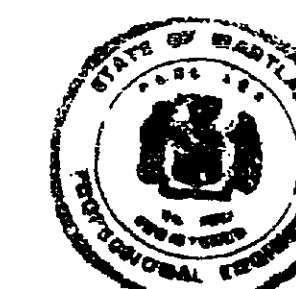
PETITIONER'S
EXHIBIT NO. 1

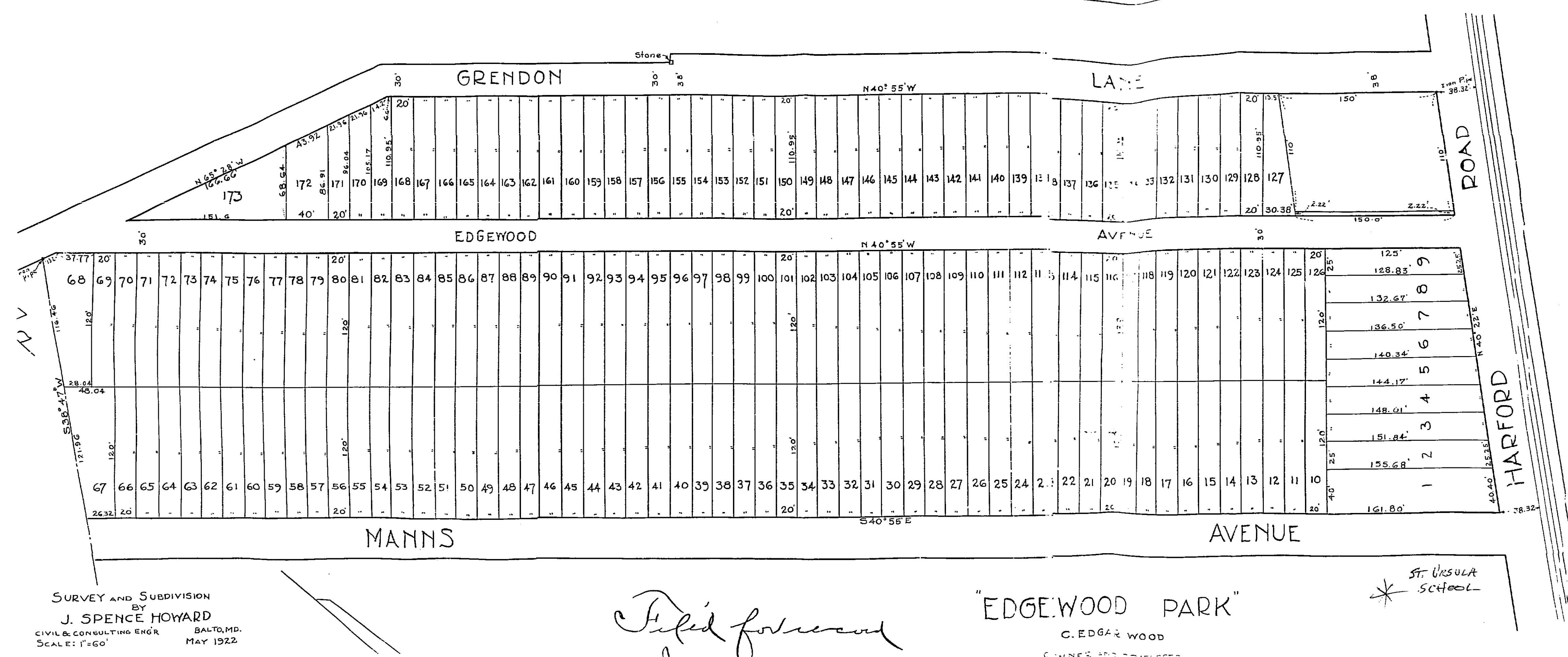
OWNER:

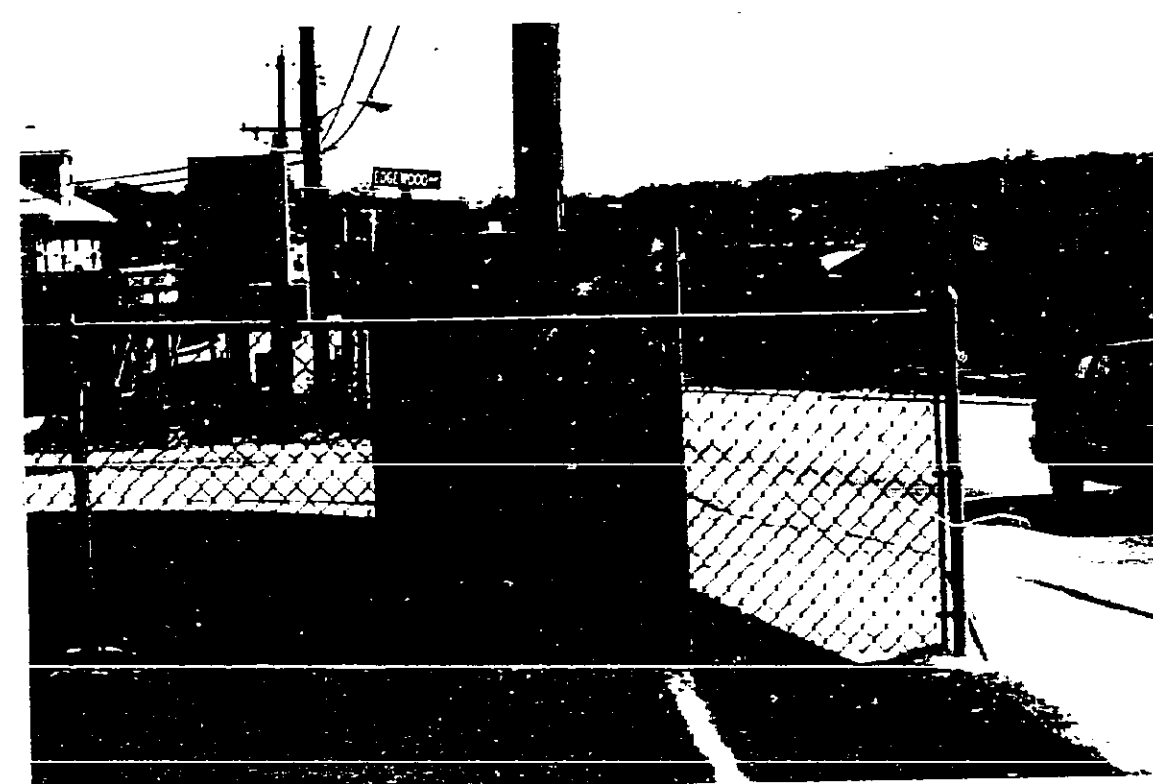
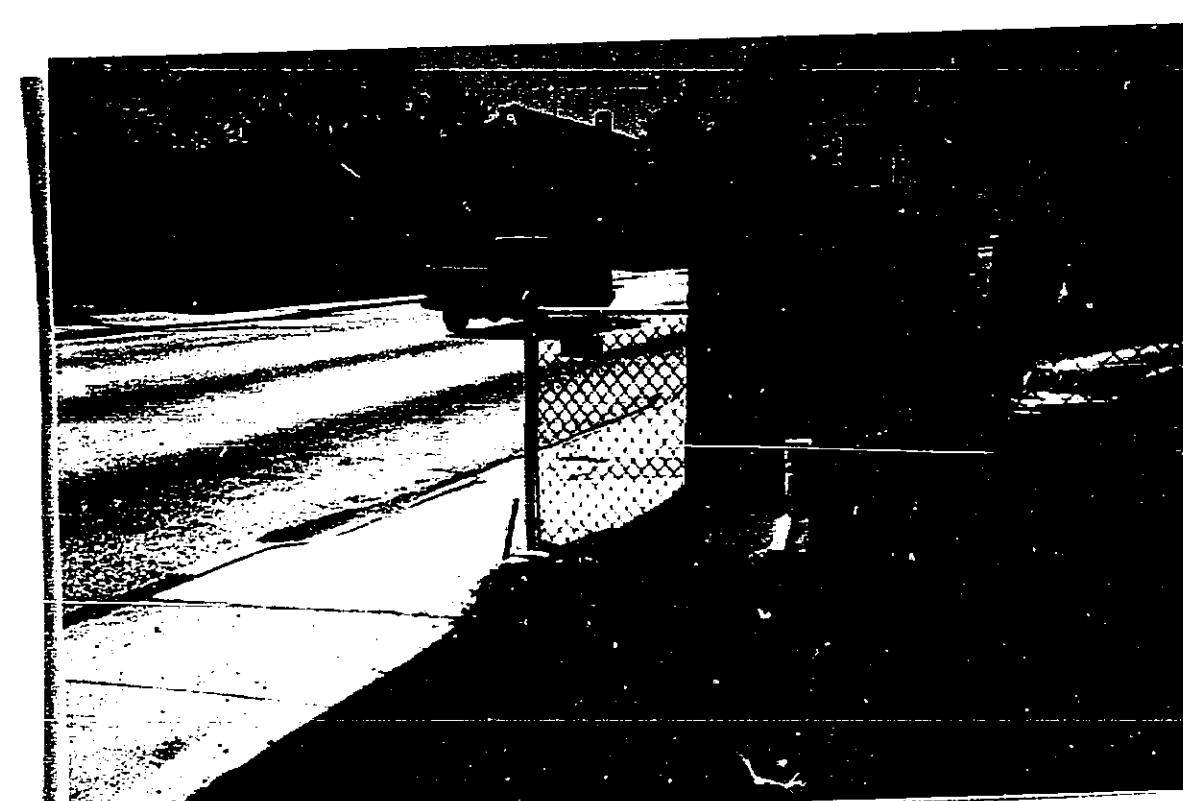
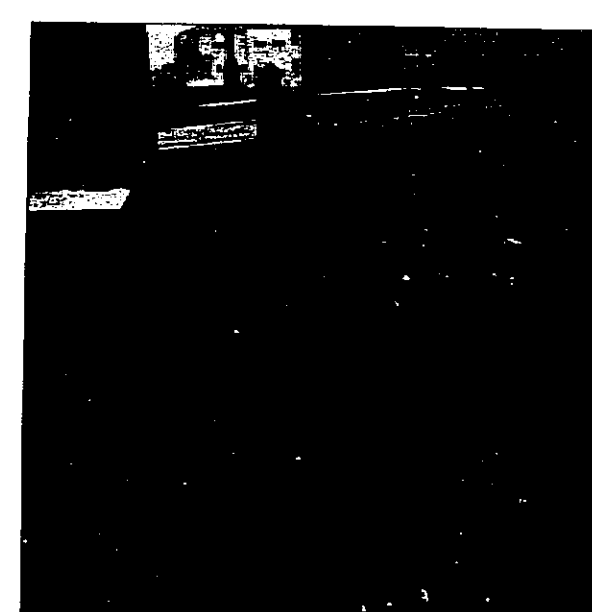
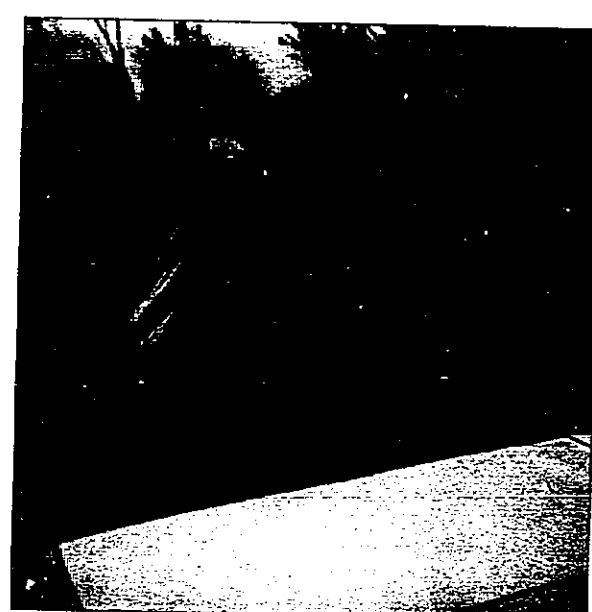
JAMES WHITE
3219 TEXAS AVENUE
BALTIMORE, MARYLAND 21234

ENGINEER:

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204







Appearing on behalf of the Petitions was James White, property owner, and Paul Lee, the engineer who prepared the site plan. A number of individuals appeared in opposition to the request. They were Debra Pacheco, Paul F. and Robert B. Insley, Joseph Portera, John G. Disney and Mary E. Ginn.

Testimony and evidence presented was that the subject site is a corner lot, located adjacent to the intersection of Harford Road and Edgewood Avenue in the Parkville community of Baltimore County. The property is located just south, towards Baltimore City, of the interchange of Harford Road and the Baltimore Beltway (I-695). The property is roughly rectangular in shape, approximately 6,000 sq. ft. in area, zoned R.O. The property is improved with an existing two story structure which contains a basement. The structure has an attached garage.

The property owner, James White, is a Hypnotist by occupation and his office is located in the building. He acquired the property in February of 1996. Since his acquisition of the property, Mr. White has made several improvements/modifications to same. Among those improvements is the the covering of nearly the entire yard area by macadam, thereby significantly increasing the parking area. Also, a sign advertising Mr. White's services has been erected and a handicap lift has been installed. Mr. White testified that he operates the Baltimore Smoking Clinic, a business geared toward helping people eliminate their addiction to tobacco through hypnosis. Previously, this business was operated from another location approximately five blocks from the subject site. Mr. White indicated that he employs one full time person and approximately 2 part time employees.

Mr. White also testified that he uses but a part of the structure as his office. The clinic is operated nearly entirely on the first floor and the second floor is vacant. He indicated that the area may ultimately be converted into another office. He also indicated that the basement of the

building is used for storage. The hours of operation are quite limited, in that the clinic is open only two nights per week.

Mr. Lee also testified and explained the reason behind the filing of the Petition for Special Hearing. It is to be noted that Section 204 of the BCZR regulates the R.O. zone. Section 204.3.A.2 of the BCZR states that a Class A office building is permitted by right in an R.O. zone for so long as no more than 25% of the total adjusted floor area of the building is occupied by a medical office. Based on this requirement, the question presented is whether the subject operation is a medical office. If so, only 25% of the floor area may be used for the hypnosis clinic. If not, the operation may exist by right.

Testimony and evidence offered by Mr. White on this issue was that he does not have a college degree or other post graduate education, and is not licensed by the State of Maryland. Moreover, his occupation and credentials are not regulated by the State.

The term medical office is defined in Section 101 of the BCZR as "A place for the treatment of outpatients by one or more medical practitioners." The term "medical practitioner" is defined in that section as, "A physician, dentist, optometrist, chiropractor, podiatrist, psychologist, physical therapist, nurse or other similar health professional licensed by the State." (emphasis added) In my judgment, Mr. White is not a medical practitioner. Clearly, he is not a member of those professions specifically designated under the medical practitioner definition and his testimony was dispositive that he is not licensed by the State. In that he is not a medical practitioner, his office is, therefore, not a medical office.

In view of this conclusion, it is apparent that Mr. White's operation must be considered a general office and, therefore, permitted by right in the R.O. zone. Thus, for this reason, the Petition for Special Hearing

should be granted and a determination entered that this hypnotist office is permitted by right at the subject site as a general office.

This finding eliminates the need for consideration of a portion of the Petition for Variance. Specifically, that portion to permit 100% of the office space to be used if the operation is considered a medical office and variance relief from the number of parking spaces required. These requests are made moot by the determination that the business is a general office, not a medical office.

However, the other portion of the variance request remains at issue. The first portion of that request is that variance relief be granted to permit a 0 ft. setback for a parking area from the curb right of way, in lieu of the required 10 ft. It is to be specifically noted that this request relates to the rear portion of the property and that area of the parking lot behind the building adjacent to Edgewood Avenue. As shown on the site plan, the Petitioner has installed five parking spaces along the rear lot line. That space designated as space No. 1 immediately abuts the right of way line for Edgewood Avenue and does not maintain the 10 ft. setback as required.

Mr. Lee explained that parking is difficult on this site and that variance relief was requested in order to permit the maximum number of on site spaces. It was also indicated that strict compliance with the zoning regulations would result in the Petitioner sustaining a practical difficulty in that there would be insufficient area to accommodate on site parking. It is also to be noted that the Development Plans Review Division of the Office of Permits and Development Management supports the request.

Based upon the testimony and evidence presented, I will grant this variance. In my judgment, the need for on site parking outweighs the need

for strict adherence to the requirement. I find that the Petitioner has complied with the requirements set forth in Section 307 of the BCZR.

Variance relief is also sought for a proposed sign. As shown on the site plan, a sign 12 ft. in total height and 6 ft. in width is proposed. The face of the sign will actually be 8 ft. x 6 ft.; 48 ft. per face, or 96 ft. for both sides. In this regard, testimony was offered that Harford Road is a major arterial road and a sign of the size proposed was the minimum necessary to properly identify the business on site.

In considering this issue, I am persuaded to grant a variance from the sign regulations, however, not to the extent which has been requested. In my judgment, a sign face 4 ft. high x 6 ft. in width would be appropriate. Such a sign would be 24 ft. per face or 48 ft. total. This is greater than the regulations require, but less than requested.

I will grant the variance for a sign that size in order to allow proper advertising of the activity on site. The sign may reach a maximum height of 12 ft. In this regard, it is to be noted that the Petitioner has already placed a sign in the front of the site from the property at ground level. Apparently, the Petitioner placed that sign to identify the business while this Petition was under consideration. That sign is clearly not 48 ft. per face and sufficiently identifies the business on the property. I am unconvinced that a larger sign is needed at this time particularly since there is but a single business in the building.

Moreover, I shall condition the special hearing and variance relief which has been granted herein. The first condition imposed shall be a requirement that the Petitioner eliminate the ground mounted sign on the property. Testimony and evidence was offered that the sign interferes with sight distance for traffic exiting Edgewood Avenue onto Harford Road. My site inspection of the property convinced me that this was a valid concern

and, thus, that sign shall be eliminated. The only sign which shall be allowed will be the pole mounted 24 sq. ft. per face sign described hereinabove. Moreover, that sign shall be erected at a location on the site approved by the Bureau of Traffic Engineering. That agency shall approve the location of the sign to assure that same is appropriate and does not interfere with traffic on either Harford Road or Edgewood Avenue.

The second condition which I shall impose relates to the use of the front of the property. In this regard, the photographs show that Mr. White has constructed macadam paving across the entire frontage of the property. Obviously, he has used this as a parking lot, jumping his vehicle across the curb on Harford Road to this area. Photos of the site show that the curb has deteriorated from this practice. This is, no doubt, done as a matter of convenience, in that Edgewood Avenue is a one way road and the Petitioner desires to obtain a means of direct vehicular access from Harford Road to his property. The only means of access to the site should be from Edgewood Avenue.

This activity by the Petitioner is manifestly unsafe. Testimony and evidence offered was that there is a children's dance studio nearby and clearly the Petitioner's attempt to establish a direct means of access from Harford Road could result in traffic accidents and inappropriate congestion in the roadway. Thus, a condition to the granting of the zoning relief herein, the Petitioner shall be required to remove a minimum of 5 ft. of the macadam area in that portion of the yard between the right of way for Harford Road and the front yard. This macadam should be replaced with a barrier or some landscaping to prohibit the entry of vehicular traffic directly from Harford Road onto the site. I will leave the specifics of this buffer area to the Office of Planning.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of June 1997 that, pursuant to the Petition for Special Hearing, a determination that a Hypnotist office is considered a general office and is permitted by right in an R.O. zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 204.3.A.2 of the BCZR to permit the use of 100% of the building as a medical office, in lieu of the maximum permitted 25%, and a variance to permit 8 parking spaces in lieu of 10 parking spaces required is DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that a variance from Sections 409.B.A.4 and 204.3.C.1 of the BCZR to permit a 0 ft. setback to a parking area from a road right of way in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for a sign face 4 ft. high x 6 ft. in width, (24 ft. per face or 48 ft. total), be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall be required to remove a minimum of 5 ft. of the macadam area in that portion of the yard between the building and Harford Road. This macadam should be removed at an area easily adjacent to the right of way and should be replaced with a barrier or some landscaping to prohibit the entry of vehicular traffic directly from Harford Road onto the site.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

4. The location of the sign shall be approved by the Bureau of Traffic Engineering, or their designee.

5. The Petitioner shall remove the existing sign within 30 days from the date of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 10, 1997

Mr. James White
3219 Texas Avenue
Baltimore, Maryland 21234

Mr. Paul Lee
Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Property: 8910 Harford Road
Case No. 97-396-SFWA

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att.

cc: Ms. Debra Pacheco, 8908 Harford Road, Baltimore, Md. 21234
Messrs. Paul F. Insley and Robert B. Insley, 9309 Fullerdale Avenue
Mr. Joseph Portera, 2953 Edgewood Avenue, Baltimore, Md. 21234
Mr. John Disney, 2903 Manns Avenue, Baltimore, Md. 21234
Ms. Mary E. Ginn, 606 Horncrest Road, Towson, Md. 21204

97-396-SPHA

CERTIFICATE OF POSTING

RE: Case No. 97-396-SPHA

Petitioner/Developer:
JAMES WHITE

Date of Hearing/Closing:

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8910 HARFORD RD.

PER OWNER
MOUNTED ON RAIL OF PORCH (NO GROUND FOR POST)

The sign(s) were posted on 8/12/97
(Month, Day, Year)

Sincerely,

Gary Freund 8/12/97
(Signature of Sign Poster and Date)

GARY FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

SC-01 HW 41 30V L6
3147-0000 40 00000 110000
(REV) 10/93

996
cert.doc



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-396-SPHA ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 396

Petitioner: James White

Location: 8910 Harford Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: James White

ADDRESS: 3214 Texas Avenue

Baltimore MD 21234

PHONE NUMBER: (410) 661-1112

At: ggs

(Revised 09/24/96)

Exhibit B

#396

Request for Zoning Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No. 97-396-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE:

DATE AND TIME:

REQUEST: Special Hearing to approve a hypnosis office
in general office building and permitted in the R.O. zone
Variance to permit 100 sq. medical office in lieu of 25% and
8 parking spaces in lieu of 10 at residential medical. To permit a
0 parking space to street 8' high in lieu of 10' permit a 36' high study sign in lieu of 30'

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

996
post 4.doc

TO: EVERETT ENGINEERING COMPANY
April 4, 1997 Issue - Jeffersonian

Please forward billing to:

James White
3219 Texas Avenue
Baltimore, MD 21234
661-1112

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-396-SPHA

8910 Harford Road
corner S/S Edgewood Avenue, W/S Harford Road
9th Election District - 6th Councilmanic
Legal Owner(s): James White

Special hearing to approve a hypnosis office as general offices as is permitted in an R.O. zone. Variance, in the alternative, to permit the use of 100% medical office space in lieu of the permitted 25%; to permit 8 parking spaces in lieu of the required 10; to permit a zero foot setback for the parking area in lieu of the required 10 feet; and to permit a free-standing sign of 96 square feet (48 square feet/face) in lieu of the permitted 30 square feet (15 square feet/face).

HEARING: TUESDAY, APRIL 22, 1997 at 9:00 a.m., 4th Floor Courts Building, 401 Bayley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 28, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-396-SPHA

8910 Harford Road
corner S/S Edgewood Avenue, W/S Harford Road
9th Election District - 6th Councilmanic
Legal Owner(s): James White

Special hearing to approve a hypnosis office as general offices as is permitted in an R.O. zone. Variance, in the alternative, to permit the use of 100% medical office space in lieu of the permitted 25%; to permit 8 parking spaces in lieu of the required 10; to permit a zero foot setback for the parking area in lieu of the required 10 feet; and to permit a free-standing sign of 96 square feet (48 square feet/face) in lieu of the permitted 30 square feet (15 square feet/face).

HEARING: TUESDAY, APRIL 22, 1997 at 9:00 a.m., 4th Floor Courts Building, 401 Bayley Avenue.

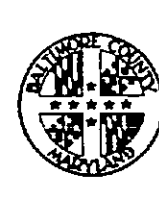
Arnold Jablon
Director

Arnold Jablon
Director

cc: James White
Paul Lee Engineering, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 7, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 26, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-396-SPHA

IN THE MATTER OF: JAMES WHITE -Petitioner
8910 Harford Road 9th E; 6th C

(Petition for Special Hearing GRANTED; Petition for Variance DISMISSED in part as moot and GRANTED in part with restrictions by Z.C. /APPEALED AS TO RESTRICTION #2 ONLY.)

ASSIGNED FOR:

TUESDAY, DECEMBER 30, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

cc: Appellant /Petitioner

: James White

Paul Lee Engineering, Inc.

Protestants

: Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

December 30, 1997

NOTICE OF DELIBERATION

Having concluded this matter on December 30, 1997, public deliberation has been scheduled by the Board as follows:

JAMES WHITE -Petitioner
Case No. 97-396-SPHA

DATE AND TIME : Friday, January 9, 1998 @ 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

Kathleen C. Bianco
Administrator

cc: Appellant /Petitioner

: James White

Paul Lee Engineering, Inc.

Protestants

: Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Copied: C.W.F.

Printed with Soybean Ink
on Recycled Paper

Case No. 97-396-SPHA

James White - Petitioner

Cor. S/S Edgewood Avenue, W/S Harford Road
(8910 Harford Road)

9th District Appealed: 7/10/97

-attached Pet. Ex. #1
Plat to accompany petition



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 18, 1997

Mr. James White
3219 Texas Avenue
Baltimore, MD 21234

RE: Item No.: 396
Case No.: 97-396-SPHA
Petitioner: James White

Dear Mr. White:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 18, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/ce
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4-1-97
Item No. 396 (MJK)

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 147 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5806 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

R. J. Smith
for
Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
DATE: April 7, 1997
FROM: Robert W. Bowling, Chief
Development Plans Review Division
SUBJECT: Zoning Advisory Committee Meeting
for April 7, 1997
Item No. 396

The Development Plans Review Division has reviewed the subject zoning item.

This office supports the modification request to the Landscape Manual to not require the 10 foot wide landscape strip against the right-of-way.

RWB:HJO:cab

cc: File

ZONE407.396

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/07/96

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Stanley E. Loyd - 395
James White - 396
Exxon Corporation - 401
Paul G. Vleck & Mark David Vleck &
Annabelle M. Vleck & Georgeann Lynch - 409

Location: DISTRIBUTION MEETING OF April 17, 1997

Item No.: 395, 396, 401, & 409 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



PETITION PROBLEMS

97-396-SPHA

#395 --- MJK

1. Sign form incomplete/incorrect.

#396 --- MJK

1. Sign form incomplete/incorrect.

#397 --- MJK

1. Sign form incomplete/incorrect.

#401 --- JRA

1. NO sign form in folder.
2. Incomplete description on folder.

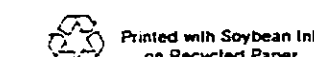
#402 --- JRA

1. NO sign form in folder.
2. Notary section is incorrect/incomplete.
3. No review information on bottom of petition form.
4. Not marked as flood zone on folder.

#408--- JCM

1. No telephone number for legal owner.
2. Two copies of sign form in folder - why?

3/26/97



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: March 31, 97

DATE: 3/22/97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 396 404
397 405
398 406
401 408
402
403

RBS:sp
BRUCEZ/DEPRM/TXTSPB



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 14, 1997

Ms. Debra Pacheco
8908 Harford Road
Baltimore, MD 21234

RE: Petitions for Special
Hearing and Variance
S/S corner Edgewood Ave.,
W/S Harford Rd.
(8910 Harford Road)
9th Election District
6th Councilmanic District
James White - Petitioner
Case No. 97-396-SPHA

Dear Ms. Pacheco:

Please be advised that an appeal of the above-referenced case, restriction of access from State Route 147, Harford Road only, was filed in this office on July 10, 1997 by James L. White. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Director

AJ:rye

cc: Messrs. Paul F. Insley and Robert B. Insley
Mr. Joseph Portera
Mr. John Disney
Ms. Mary E. Ginn
People's Counsel

97 JUL 17 11:11 AM
RECEIVED
COUNTY BOARD OF APPEALS

APPEAL
Petitions for Special Hearing and Variance
S/S corner Edgewood Ave., W/S Harford Road
(8910 Harford Road)
9th Election District - 6th Councilmanic District
James White - Petitioner
Case No. 97-396-SPHA

Petition for Special Hearing and Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel
Zoning Advisory Committee Comments
Petitioners and Protestants Sign-In Sheets
Petitioners' Exhibit: 1 - Plat to Accompany Petition for Special Hearing and Variance
Letter of Opposition
Zoning Commissioner's Order dated June 11, 1997 (Granted)
Notice of Appeal of the restriction of access from State Route 147, Harford Road only received on July 10, 1997 from James L. White

c: Mr. James White, 3219 Texas Avenue, Baltimore, MD 21234
Paul Lee Engineering, Inc., 304 W. Pennsylvania Avenue, Towson, Maryland 21204
Ms. Debra Pacheco, 8908 Harford Road, Baltimore, MD 21234
Messrs. Paul F. Insley and Robert B. Insley, 9309 Fullerdale Avenue, Baltimore, MD 21234
Mr. Joseph Portera, 2953 Edgewood Avenue, Baltimore, MD 21234
Mr. John Disney, 2903 Hanna Avenue, Baltimore, MD 21234
Ms. Mary E. Ginn, 606 Horncrest Road, Towson, MD 21204
People's Counsel of Baltimore County, M.S. 2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Heard 1/9/98

Case No. 97-396-SPHA SPH - Decision that Hypnotist office is considered a general office rather than medical office, and permitted by right in an R.O. zone; VAR - alternate relief if Petition for SPH is denied /100% use of building if permitted 25%; parking spaces; and VAR - setbacks and sign (irrespective of decision regarding SPH).

6/11/97 - Z.C.'s Order in which Petition for Special Hearing was GRANTED; Petition for Variance DISMISSED as "NOT" (alternative relief); Petition for Variance GRANTED with restrictions.

9/26/97 - Notice of Assignment for hearing scheduled for Tuesday, December 30, 1997 at 10:00 a.m. sent to following:

James White
Paul Lee Engineering, Inc.
Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

10/01/97 - Letter to parties; case number as shown on Notice of Assignment should read: Case No. 97-396-SPHA. No other changes to notice.

12/30/97 - Hearing concluded before Board (C.W.F.); scheduled for public deliberation on Friday, January 9, 1998 at 9:30 a.m. Notice sent 12/30/97.

1/09/98 - Deliberation concluded; restriction to remain as placed by Zoning Commissioner; no access from Harford Road. Order to be issued; appellate period to run from date of written Order. (C.W.F.)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

October 1, 1997

Mr. James White
3219 Texas Avenue
Baltimore, MD 21234

RE: Case No. 97-396-SPHA
James White -Petitioner

Dear Mr. White:

Regarding the Notice of Assignment dated September 26, 1997, the case number as indicated for the subject matter should read: Case #: 97-396-SPHA. There are no other changes to this Notice.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

cc: Paul Lee Engineering, Inc.

Debra Pacheco
Paul F. Insley and
Robert B. Insley
Joseph Portera
John Disney
Mary Ginn
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence M. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 28, 1998
Permits & Development Management
FROM: Charlotte E. Radcliffe
County Board of Appeals
SUBJECT: Closed File: 97-396-SPHA /James White

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-396-SPHA)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: James White -Petitioner
Case No. 97-396-SPHA
DATE: January 9, 1998 @ 9:30 a.m.
BOARD /PANEL: Charles L. Marks, Acting Chairman (CLM)
Donna M. Felling (DMF)
Margaret Worrall (MW)
SECRETARY: Kathleen C. Bianco
Administrator

PURPOSE: To deliberate Case No. 97-396-SPHA; evidence and testimony received by the Board at hearing on December 30, 1997.

Petition for Special Hearing /to determine that hypnotist office is considered a general office rather than a medical office, and permitted by right in an R.O. zone; OR IN ALTERNATIVE: Petition for Variance /100% use of building in lieu of permitted 25%; and
Petition for Variance /setbacks and sign.

Appealed from June 11, 1997 decision of the Zoning Commissioner in which requested relief was granted; appeal filed by Petitioner as to restriction only. No other appeals filed.

CLM: Let the minutes show that the County Board of Appeals is in its regularly scheduled session for Friday, January 9, 1998 at 9:30 a.m. to publicly deliberate the matter concerning James White, Petitioner, Case No. 97-396-SPHA, this matter having previously been heard in formal hearing several days ago.

MW: Reviewed file and exhibits; noted that limited appeal only as to restriction (no other appeals filed); it is a general office; not appealed by anyone; variance granted below as to setbacks and from sign regulations.

Appeal is simply of the condition imposed relative to front portion of the property; vehicles drive over existing and deteriorating curb on Harford Road.

Discussed safety issues raised, access available from Edgewood and recognition of associated problems with that access. Entry from Harford Road should be prohibited.

CLM: Again stated that only limited appeal was filed by the Petitioner; no appeal by protestants. The only thing before the Board is the isolated issue of whether or not there should be coming and going from Harford Road. Zoning Commissioner already determined uniqueness and practical difficulty. The only thing the Board must decide is the condition imposed.

Final determination after consideration of all testimony and evidence is that parking in front of the lot is a problem; issue of safety involved; noted the generosity of the Zoning Commissioner in granting variances. In the spirit of the

James White -Petitioner
Case No. 97-396-SPHA /Deliberation

ordinance and public safety and welfare, the ruling should stand as to restriction (access from Harford Road denied).

DMF: Also spent much time trying to reach a decision, including complete review of notes and the law.

Clearly a safety issue from both sides, Appellant saying it's unsafe for his customers to access from other locations, questioning the restriction; and from the protestants saying that the neighborhood safety is the #1 concern, and rightfully so. Real concern about what the Board will do; Petitioner seeking relief for customers entering his business. Understanding of issues if Edgewood is the only access, and need to use other roads to use that location; bottom line is public safety, but still concerned about how access is granted.

MW: Discussed Edgewood Avenue and the fact that it is a one-way street. Possibly could be two ways - would require community and business getting together. But Board does not have authority to deal with that.

CLM: Again stated inordinate amount of time spent on this case; sympathetic to Petitioner. Discussed other accesses along Harford Road; final position is that the Zoning Commissioner's order should be upheld in its entirety.

MW: Agreed.

CLM: Indicated to DMF that if she felt strongly, could dissent on this.

DMF: Only thought it should be on the table; would agree and support the Zoning Commissioner and further agree that granting the variances could have been a problem. However, that is not Board's decision to make. Only looking at the restrictions; will uphold the restrictions and hope that Petitioner can find some way that access to his facility is done in such a way that it addresses all safety concerns.

CLM: Would appear that Board's decision is unanimous. Will issue formal Opinion and Order, and that should be coming out shortly. Upon receipt of that, and not today's date, but date of that order, an appeal may be filed to the Circuit Court from the date of that Order.

Thank you for your attendance. This hearing is adjourned.

Respectfully submitted,
Kathleen C. Bianco
Kathleen C. Bianco
Administrator

2

Baltimore County Zoning Office
Towson Maryland

Dear Sir

I want to appeal the findings of
Case No. 97-396- SPHA
Edgewood Ave, W/S Harford Rd.
8910 Harford Road
9th Election District
6th Councilmanic District
James L. White, Petitioner

the only portion of the judgement I am appealing is the restriction of access from State Route 147, Harford Road. The State Highway Administration has no objection to granting access, however the Baltimore County Zoning Officer has denied me this access. I believe this constitutes a restriction of trade. This makes customers drive approx. 1/2 mile through residential neighborhood streets (two have not been improved by sidewalk curb and gutter) to attain parking. Also the zoning Officer decreed if he is overruled I must tear up the macadam in the front portion of the building, this will take away two additional parking spots. The main problem here is Edgewood Ave. which is a East bound one way Street that borders this property on the North side. Also this is a RO building surrounded by BL.

Thank You

James L. White
James L. White
3219 Texas Ave.
Baltimore Md. 21234

MAR-97-00 WED 11:22

P.01

2915 Edgewood Avenue
Baltimore, MD 21234
April 21, 1997

Lawrence Schmidt
Zoning Court
401 Bosley Avenue
Towson, MD

Dear Mr. Schmidt,

I am writing this due to my concern about the proposed violations that are going to be heard by you today regarding the hypnotist at the corner of Edgewood Avenue and Harford Road.

It is my understanding that this person has asked to have parking to the curb at the end of my street, and I must ask that you not grant this. It is a very dangerous corner as it is, and anything that inhibits clear vision of traffic would be disastrous.

Aesthetically I am also opposed to the huge sign that has been requested, and would like to ask that you please have this business person adhere to the laws that are in effect. Thank you for your consideration.

Sincerely,

EB Waslton RN
EB Waslton RN

